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PROTECTION OF MINORITIES

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

Final report submitted by Mr. Asbjørn Eide

Addendum 1

Introduction

1. The present document contains the replies submitted in response to the second reminder dated 12 November 1992 concerning the questionnaire on minorities to Governments, specialized agencies and non-governmental organizations.

2. In their replies, the Governments of Burkina Faso, Congo and San Marino stated that in their countries there were no minorities as understood in the questionnaire.

3. The Governments of Ecuador, Finland, Greece, Mauritius, Sweden and Venezuela submitted a second reply integrating their previous replies reflected in the first and second progress reports (E/CN.4/Sub.2/1991/43 and E/CN.4/Sub.2/1992/37/Add.1).

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4. The replies of the Governments of Dominica, Finland, Greece, Mauritius, Poland, Saint Vincent and the Grenadines and Sweden have been summarized (sect. I), whereas the replies of the Governments of Belize, Croatia, Ecuador, Iraq, Italy, Macedonia, Malawi, the Philippines, Singapore, Slovenia, Spain and Venezuela are reproduced according to the sequence of the questions (sect. II).

I. SUMMARIES OF REPLIES

Dominica

5. In the reply submitted by the Government it was stated that settled minorities existed in Dominica. These were the Caribs which were recognized as an ethnic group in the Carib Reserve Council Act. Pursuant to this act, Caribs were vested with reserved lands and provided with a degree of local autonomy by way of devolution of power. As to the question of whether the Caribs benefit from cultural and educational institutions specifically designed to meet their needs, it was stated that they benefited from such institutions to a limited extent only, since formal educational institutions were fully integrated. Like other segments of the population of Dominica, the Caribs had the right and the possibility to participate to some extent in the planning, implementation and benefits of development policies through the local government authorities. The Caribs benefited from affirmative action as they were vested with reserved lands and special status had been conferred on the Carib Council and their Chief. Furthermore, they enjoyed direct representation in the national legislature of Dominica as they had substantial control over one Parliamentary seat. It was further reported that the Caribs had the unimpeded possibility of contact with related ethnic groups in other States. As to the question of whether any steps had been taken in Dominica to ensure that recent immigrant groups were not subjected to racial discrimination, it was stated that the Constitution of Dominica and relevant legislation prohibited racially motivated action.

Finland

6. The reply submitted by the Government of Finland provided additional information to that reproduced in the previous progress report (E/CN.4/Sub.2/1991/43). In the second reply the following statistical data concerning the presence of recent immigrant groups in Finland was supplied:

Foreigners	40 000 (0.8 per cent of the population)
Refugees	5 000
Asylum seekers	3 600
Embassy personnel	2 200

With respect to settled minorities in Finland, the Government indicated that the new Act on the Autonomy of the Aland Islands entered into force on 1 January 1993, the main goal of which was to strengthen the autonomy of the Aland Islands. As to the Samis, it stated that in 1991 a new section (52 (a)) of the Parliament Act had entered into force. Pursuant to this new provision, the Samis were to be heard in Parliament on all questions particularly relevant to them. Concerning the Romanies, the Government stated that the first comprehensive Romany syllabus had been prepared at the end of 1992 and

that the National Board of Education had transmitted it to the municipalities for them to consider it in their teaching programmes; however, the municipalities were not legally obliged to adopt the syllabus. Finally, it pointed out that from the beginning of 1992 foreigners resident in Finland other than Scandinavians had the right to vote and stand for election in local elections, provided that they had resided in Finland for four years.

Greece

7. In its reply, the Government of Greece provided some information in addition to that reflected in the previous progress report (E/CN.4/Sub.2/1991/43). This information concerned the Muslim minority in Thrace. Pursuant to article 16 of the Greek Constitution, the Government was bound to provide Greek citizens with free education. Accordingly, the Ministry of Education published and distributed to Muslim pupils, the first grade in Thrace a textbook in the Turkish language. In the reply by the Government of Greece it was further stated that the Government, in line with the policy declared by the Prime Minister in May 1991, had taken all the necessary measures to protect and improve the education of Muslim pupils with the aim of increasing the overall educational standards of the Muslim minority in Thrace. Finally, it was added that in no textbooks published by the Greek authorities, were there any elements for which the Greek authorities could be accused of attempting to assimilate minority pupils or discriminate between Christian and Muslim pupils.

Mauritius

8. The Government of Mauritius provided the same information that is contained in the second progress report (E/CN.4/Sub.2/1992/37/Add.1).

Poland

9. In the reply received from the Government of Poland it was indicated that in Poland there existed both settled minorities and recent immigrant groups and that they were recognized. No information was, however, provided as to the name of these settled minorities and recent immigrant groups. Settled minorities were said to enjoy some form of autonomy in the framework of general local institutions, as well as cultural and educational institutions specifically devoted to their needs. It was further stated that linguistic minorities, including recent immigrant groups, had the freedom and the possibility to receive any part of their education in their own language, although in this connection it was pointed out that some problems could arise, especially in the case of small and dispersed minorities. It was reported that in Poland minority groups and their representatives had the right and possibility to participate in the planning, implementation and benefits of development policies within the general institutions. In the case of settled minorities, their economic conditions, average standard of living, life expectancy and child mortality rate were said to be approximately the same as those of the majority of the population. It was further stated that no policies of affirmative action had been carried out with regard to disadvantaged minority groups. As to the question of whether minority groups had direct representation in the Polish national legislature, it was stated that the political party of one of the minorities represented that minority in

the Parliament. Members of minority groups were said not to have benefited from agrarian reforms nor measures of resettlement programmes. They did enjoy, however, unimpeded possibility of contact with related ethnic, cultural or linguistic groups in other States. Finally, it was reported that with respect to recent immigrant groups no particular steps had been taken to ensure that they were not subject to racial discrimination, but that measures had been taken with a view to ensuring the enjoyment of human rights by all inhabitants of Poland.

Saint Vincent and the Grenadines

10. The Government of Saint Vincent and the Grenadines stated in its reply that there were settled minorities in the country, namely the Amerindians-Caribs. They were recognized as a national group in the legal and political institutions of the country, although they were also said to be sometimes treated as "a separate minority". It further stated that the Amerindians-Caribs did not maintain or enjoy cultural or educational institutions specifically devoted to their needs nor did they participate in the planning, implementation and benefit of development policies. Some of them, however, had recently benefited from land reform programmes. The death rate of the Amerindians-Caribs was said to be lower than the national average, while their birth rate had been increasing recently. As to the question of whether members of this minority group had the possibility of contact with related ethnic groups in other States, it was reported in the reply that through the Council for the Development of the Carib Community links had been established for this purpose with the National Garituna Council in Belize, the Carib Council in Dominica, the Santa Rosa Council in Trinidad and Tobago and the Guyana Organization of Indigenous Peoples in Guyana. These institutions were said to operate under the umbrella of the Caribbean Organization of Indigenous Peoples, whose headquarters were in Dominica.

Sweden

11. In its reply the Government of Sweden provided additional information to that contained in the second progress report (E/CN.4/Sub.2/1992/37/Add.1). In its second reply it stated that on 15 December 1992 the Swedish Parliament had passed a law which had become effective as of 1 January 1993. Pursuant to this law, a governmental authority had been set up with the primary task of nurturing a living Sami culture in Sweden. The governing body of this authority was an assembly called the Sameting, composed of 31 members elected every four years from among the Sami population. The first elections would be held in May 1993. This assembly had set up a board which carried out daily administration, as well as other bodies which could carry out the duties of the assembly. The said law defined a Sami as a person who saw himself as a Sami and had or had had the Sami language as the language spoken at home or by his parents or grandparents, or one of whose parents had been listed in the Sami electoral register. It was further reported that specific functions had been conferred on the assembly, namely (a) to decide on the distribution of funds allocated by the Swedish Government to promote Sami culture and to support Sami organizations; (b) to allocate other funds placed at the disposal of the Sami community; (c) to appoint the board of the Sami school; (d) to

direct efforts to promote the Sami language; (e) to participate in public planning to ensure that Sami needs were taken into consideration in the utilization of land and water resources, for example for reindeer breeding; and (f) to handle information about Sami affairs.

II. RESPONSES, QUESTION BY QUESTION

(i) Do minority groups, as understood in this questionnaire (see introduction) exist in your country/in the country concerned? Please indicate whether these are settled minorities or recent immigrant groups.

Belize

12. Belize has both groups of minorities: settled minorities and recent immigrant groups.

Croatia

13. There are national minority communities in the Republic of Croatia, i.e. 16 national communities and minority groups: Albanians, Austrians, Montenegrins, Czechs, Hungarians, Macedonians, Muslims, Germans, Romanies (Gypsies), Ruthenians, Slovaks, Slovenes, Serbs, Italians, Ukrainians and Jews.

14. In defining these groups as "settled minorities" or "recent immigrant groups" it is necessary to make the following points:

(a) When Croatia was a part of the former Yugoslavia, the status of minorities (then termed "nationalities") in terms of constitutional, legislative and regulatory rights was enjoyed by Czechs, Hungarians, Slovaks, Ruthenians, Italians, Ukrainians and, partly, Gypsies, who started organizing themselves and acting as a community only recently (and who were sometimes classified as an ethnic group rather than a nationality). Germans and Austrians, after the Second World War, although recognized as national communities in pre-war Yugoslavia, were denied the right to act to preserve their identity (due to their "historical sins"), whereas Albanians, although a recognized minority in Yugoslavia, did not enjoy this status in Croatia. Jews, owing to the lack of distinction between the religious and the national, were not granted the constitutionally guaranteed minority rights. The others, Russians, Greeks, Turks, Rumanians etc., although defined in census forms as special groups, were not treated as minorities owing to their small number, dispersal and lack of organization;

(b) After the disintegration of the former Yugoslavia and the recognition of the Republic of Croatia as an independent international entity the minority status in Croatia was also given to members of formerly constituent nations of the former Yugoslavia: Montenegrins, Macedonians, Muslims, Slovenes and Serbs;

(c) Some national communities can be described as "settled minorities" in the real sense (Italians, Hungarians); others can be described as such owing to centuries of existence in Croatia (the greater part of the Serbian community, Czechs, Slovaks, Ukrainians, Slovenes, Ruthenians, Jews, etc.);

whereas the rest are recently settled groups (Muslims, Albanians, Montenegrins, Macedonians). The presence of minorities in Croatia can be illustrated by the census results of 1948 (the first after the Second World War), 1981 and 1991. During the 1991 census the Republic's officials were not able to control properly the population count procedure in some districts (Knin, Gračac, Obrovac, T. Korenica, D. Lapac).

Ecuador

15. Minority groups, identified as ethnic minorities, exist in Ecuador. They are groups of indigenous and black people of long standing. At present, according to estimates, the indigenous population amounts to 3,794,160 (39 per cent of the total population), distributed among the country's three regions.

Iraq

16. There are several minorities in Iraq which have been coexisting peacefully with the Arab majority for a long time. There are no recent immigrant groups.

Italy

17. Minority groups as understood in the questionnaire and introduction exist in Italy; these are settled minorities. There have been settled linguistic groups in Italy for centuries: populations of German, French, Slovene, Occitanian, Albanian, Greek and Catalonian origin and Ladin-, Friulian- and Sardinian-speaking peoples. No other recent immigrant groups constituting minorities have been found in the country.

Macedonia

18. There are minority groups as understood in the explanatory notes to the questionnaire. They are settled minorities. Recent immigration groups do not exist.

19. Based on the individual statements in the census of 1991, the following minority groups have been statistically registered:

Ethnic origin	Number	Percentage of total population
Albanians	441 987	21.7
Turks	77 080	3.8
Romanies	52 103	2.6
Serbs	42 755	2.1
Vlachs	7 764	0.40

The total population of the country is 2,033,964.

20. The recorded number of Albanians is an estimation. Most members of this ethnic community boycotted the census on the ground that some of their requests had not been fulfilled by the Statistical Office. After the census was held and the results made public, the political parties of the Albanians rejected them and started to inform the interested international bodies that their actual number was between 35 and 48 per cent of the population in the Republic. The Government, convinced of the accuracy of the estimation, but in order to prevent any further manipulation of the number of ethnic Albanians, proposed to the Parliament, as well as to the International Conference on Former Yugoslavia, a new census to be organized under international assistance and monitoring. The proposal has been approved and, most likely, the new census will be held at the end of 1993, controlled by experts of the Council of Europe.

Malawi

21. Minority groups do exist in Malawi, both "settled minorities" and "recent immigrant groups" as understood in the introduction to the questionnaire.

Philippines

22. In the Philippines, there are settled minorities, otherwise known as indigenous cultural communities.

1. Settled minorities

23. Studies have identified the indigenous cultural communities abounding in the Philippines. They are settled and are, in fact, recognized as bearers of the country's indigenous culture for having preserved it against foreign influence during the colonial regime in the Archipelago.

24. These communities are distributed as follows all over the Philippines:

Summary of cultural communities based on location

Identified areas	Identified communities
Northern Luzon	Apayao, Tinguian, Kalinga, Ilongot, Aetas, Ibaloy, Kankamay, Gaddang, Bontoc, Kalangiga and other pagan groups
Central Luzon	Aetas, Ibaloy, Abelleng, Ilongot, Tinguian, Bontoc, Kankanai, Ifugao

Southern Luzon up to Mindanao and Palawan	Dumagat, Remontado, Aetas, Ilongot, Kankany, Bontoc, Ifugao, Kalanguyan, Mangyan, Tagbanua, Batak, Palawano, Malbog, and a few Muslims of the Tausug and Jamamapun groups
Bicol region	Aetas, Mangyans
Western Visayas	Aetas, Sulud Montesque
Western and Northern Mindanao, especially the Sulu Archipelago area	Major Muslim groups of Maguindanao, Maranao, Taosug and Samal mixed with non-Muslim Mandaya, Mansaka, Tiruray, Manobo, Bilaano, Bagobo, Badjao, T'boli and others

25. Cultural communities have been identified in the regions where they abound. They now come under the authority of government agencies which extend to them the necessary services.

Summary of northern cultural communities based on regional location in accordance with the provisions of Executive Order No. 122-B creating the Office of the Northern Cultural Communities, as amended

Region	No. of tribes	No. of provinces
I	8	7
II	13	6
III	4	6
Total	25	19

Summary of southern cultural communities based on regional location in accordance with the provisions of Executive Order No. 122-C creating the Office of the Southern Cultural Communities, as amended

Region	No. of tribes	No. of provinces
IV	13	7
V	8	1
VI	5	5
VII	4	1
IX	4	5
X	12	8
XI	15	4
Total	**66**	**34**

Note: Region VIII has not been included in the list of regions under the Office of Southern Cultural Communities in Executive Order No. 122-C. It is reported, however, that there are at least three cultural communities in the area.

2. Immigrant groups

26. Recent political and social developments in the Indo-China area have made the Philippines a haven for Vietnamese and Cambodian refugees, who are temporarily settled in Morong, Bataan while undergoing orientation in the American way of life before they are admitted to the United States.

27. The substantial number of settled minorities include the Chinese community, which originated from mainland China and Taiwan.

Singapore

28. Yes, settled minorities.

Slovenia

29. According to data of the 1991 census, the total population of the Republic of Slovenia is 1,962,606, of whom 87.6 per cent are Slovenes.

30. The two autochthonous national minorities (settled minorities) who have been living in the Republic of Slovenia are the Hungarians (8,503 or 0.43 per cent) and the Italians (3,064 or 0.16 per cent). The members of the Hungarian ethnic community are settled in the municipalities of Lendava and Murska Sobota along the border with the Republic of Hungary, while the members of the Italian ethnic community live along the border with the Republic of Italy on the territories of the municipalities of Izola, Koper and Piran.

31. Special status has been granted to the members of Gypsy ethnic communities. According to the census data, 2,293 Gypsies have been registered in the Republic of Slovenia. According to the data of the Social Welfare Service, in the 10 Slovenian municipalities where they are permanently settled, however, their number is reported to be about 6,500.

32. In addition to autochthonous national minorities, there are major groups of members of other nations from the former Yugoslavia living in the Republic of Slovenia. The largest groups among them are the Croats (54,252), the Serbs (47,911), the Muslims (26,842), the Macedonians (4,432), the Montenegrins (4,396) and the Albanians (3,629). Following the Declaration on Independence of the Republic of Slovenia of 25 June 1991, the major part of these people obtained citizenship of the Republic of Slovenia.

Spain

33. The Gypsy ethnic minority is the largest and has resided in Spanish territory since the fifteenth century, so it is a "settled minority". The estimated number of people belonging to this minority is approximately 500,000.

Venezuela

34. Minority groups exist in Venezuela, such groups being understood to mean those which conform to the definition of "nationalities, or ethnic, linguistic or cultural groups that are in significant respects different from other groups within a sovereign State". Since Venezuela is a country in which freedom of worship has been provided for in legislation and established, there are settled minorities of a religious character holding various beliefs and doctrines. There also exists in our country a strong tendency to absorb recent immigrant groups, such groups being understood to mean "aliens, not yet naturalized immigrants, refugees, asylum-seekers and migrant workers". In this connection, attention should be drawn to the fact that Venezuela has common frontiers with Colombia and Brazil; this encourages the influx of recent immigrant groups and, in particular, non-naturalized migrant and immigrant workers, mostly originating from the above-mentioned countries.

35. According to the census conducted by the Central Office of Statistics and Informatics (OCEI) in 1982, the indigenous population of Venezuela numbered 140,562 (0.96 per cent of the total population) belonging to 27 different ethnic groups and making up of a total of 1,062 communities scattered over eight states.

(ii) Are they recognized as separate minorities, or as national, ethnic or linguistic groups, in the legal and political institutions of the country? What obstacles have been encountered, if any, concerning such recognition?

Belize

36. In our legal and political institutions, recent immigrant groups are recognized as separate minorities. In the case of settled minorities, they are accepted as an integral part of the Belizean society and are not given specific recognition. Of course, this is relevant to only those "settled minorities" who are Belizean citizens whether through birth, marriage, etc.

37. The main obstacles encountered concerning recognition of minority groups, specially "recent immigrant groups" include:

(i) Difficulties in identification of recent immigrants because of the lack of processing centres for incoming migrants in Belize;

(ii) The dispersed and scattered pattern of migrant settlements throughout the country which makes it difficult to implement an organized processing system for new migrants;

(iii) The reluctancy among most recent migrants to offer themselves willingly for processing owing to a fear of being convicted and deported by the immigration authorities;

(iv) Difficulties in meeting legalization costs owing to their unstable employment status.

Croatia

38. The Resolution on the Protection of the Constitutional Democratic Order and the Rights of Minorities, adopted by the Croatian Parliament in August 1990, expresses the will of Croatia to "guarantee all human, political and national rights to all citizens of Croatia in a degree as guaranteed by European Community member States and other developed democratic countries of Europe and North America in relation to nationalities and ethnic communities". This was reconfirmed in the Croatian Constitution of December 1990, the preamble and the basic provisions of which guarantee to all nationalities and minorities in Croatia along with standard human rights the freedom to express their national identity, including the use of their language and script, and to enjoy cultural autonomy.

39. After the referendum in which the citizens of Croatia opted for independence and dissociation from the then Yugoslavia, and with the Declaration of Sovereignty and Independence of the Republic of Croatia (June 1991), Croatia guarantees to Serbs and all other national minorities living on its territory full respect of all human and civil rights, especially the freedom of expression, the use and development of native language and culture and political organization. The Croatian Parliament passed the Charter on the Rights of Serbian and Other Minorities in the Republic of Croatia, stating specifically that they are all legally protected from any activity which may jeopardize their existence and that they are guaranteed respect, self-preservation and cultural autonomy.

40. On 4 December 1991 the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia (hereinafter "Constitutional Law") was passed, legalizing the human rights based on the Croatian Constitution and existing international instruments, including the prohibition of any type of discrimination, and ensuring protection of ethnic communities or minorities and their right to individual development, cultural autonomy and other rights of interest to the respective community.

41. The protection of human rights and the rights of minorities as conceived in the aforementioned adopted Constitutional Law is in line with the hitherto achieved and recognized rights in the region and supplemented with the missing elements, as well as new solutions suited to the newly won, internationally recognized statehood of Croatia.

42. In 1990, the Office for Ethnic Relations was set up by the Croatian Government to deal with the issues relating to the rights based on the Constitution, the Constitutional Law and the appurtenant laws.

43. As mentioned above, in laying down its legal guidelines Croatia has done its best from the very outset to open the way to proper dealing with the ethnic and national issues, but a part of the Serbs living in Croatia refuse to recognize the Croatian State, its regulations and its system of protection of minority rights. Those being manipulated, or those who have deliberately opted for the Serbian model of resolving the Yugoslav crisis, are pulling down the bridges of ethnic tolerance and the foundations of coexistence, and are taking part in the ethnic cleansing of the territories charted by Serbia as

its exploits. The victims of such policy, in addition to the Croatian population, are minorities, which are subjected to genocide. This in the first place applies to Hungarians, Slovaks, Ukrainians, Germans, Ruthenians and Czechs in the areas of their significant concentration, but also Serbs who see their future in coexistence with other nationalities in the independent and sovereign Croatia.

44. The participation of a part of the Serbian minority in Croatia in the aggression against Croatia has shown that they do not accept any solution concerning their status within the Republic of Croatia being offered by modern European law and proposed by the European Community.

45. Finally, in April 1991, the Constitutional Law, based on the guidelines defined in the documents of The Hague Peace Conference and the European standards pertaining to the protection of minorities, Croatia has adjusted its legislation with that of Europe today and its own realities.

Ecuador

46. The minorities are recognized as ethnic and linguistic groups, with specific socio-cultural characteristics, not separate from the national society and State. The national constitutional framework and the judicial order accord them equality of rights, condemn all forms of discrimination, and respect the multiethnic and multicultural nature of Ecuadorian society.

Iraq

47. Article 5 (b) of the Iraqi Constitution and other Iraqi legislative acts recognizes them, within the context of the legal and political institutions, as separate ethnic, religious and linguistic groups within the framework of national unity.

Italy

48. Under article 6 of the Constitution, these groups are recognized and protected as national minorities.

49. Minorities in Italy are considered as linguistic groups only (Constitution, art. 6). Membership in ethnic or religious groups does not imply recognition of minority status, but in such cases article 5 of the Constitution (principle of equality) is applied. There are large-scale forms of protection in Italy that apply only to the main linguistic groups: German in Alto Adige, French in the Aosta valley and Slovene in Friuli-Venezia Giulia.

Macedonia

50. They are recognized as separate minorities in the legal and political institutions of the country under the common term "nationalities". They are distinguished among themselves and from the rest of the population mainly by their distinct languages and, accordingly, might be considered as linguistic minorities. The Albanians, Turks and Serbs, having their "kin States", might be labelled as national minorities. The Romanies and Vlachs, without such

connections, could be characterized as ethnic groups. Regardless of such differences, the Government has adopted the policy of equal status for all ethnic communities, based on the principle of equal rights. This is reflected in relevant provisions of the Constitution (1991). The basic article, 48, reads:

> "Members of nationalities have the right freely to express, foster and develop their identity and national attributes.
>
> "The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities.
>
> "Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity.
>
> "Members of the nationalities have the right to lecture in their language in primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied."

Further elaboration of these provisions is contained in the relevant legal acts, in particular in the field of education.

Malawi

51. Some minority groups, for example Asians, are integrated into the community and have acquired Malawi citizenship. These are recognized as nationals.

52. However, Malawi also hosts approximately 1 million Mozambican nationals who have escaped civil war in their country. These are classified as refugees. Initially these people were simply regarded as displaced persons but, as the number increased, the Malawi Government formally classified these displaced people as refugees as so understood by the Office of the United Nations High Commissioner for Refugees (UNHCR).

53. Malawi is a party to the Convention relating to the Status of Refugees; the Protocol relating to the Status of Refugees and the Organization of African Unity Convention of 10 September 1969 governing specific aspects of refugee problems in Africa. Malawi has also enacted the Refugee Act 1989, which gives effect to the aforementioned instruments, makes provision relating to refugees and provides for matters incidental thereto or connected therewith.

Philippines

54. Generally, indigenous cultural communities are recognized as coming under the generic term to describe the population of the country, "Filipinos". That they are an ethnic or linguistic group is definitely subdued. The cultural and ethnic traditions of these groups are recognized and allowed to be practised.

55. The 1987 Philippine Constitution declared it a State policy to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development (Sect. 22, art. II). It further provides, in article X, relevant provisions, namely:

"AUTONOMOUS REGIONS CENTER

"Section 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.

"Section 16. The President shall exercise general supervision over autonomous regions to ensure that laws are faithfully executed.

"Section 17. All powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government.

"Section 18. The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multisectoral bodies. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units. The organic unit shall likewise provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of this Constitution and national laws.

"The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favourably in such plebiscite shall be included in the autonomous region.

"Section 19. The first Congress elected under this Constitution shall, within eighteen months from the time of organization of both Houses, pass the organic acts for the autonomous regions in Muslim Mindanao and the Cordilleras.

"Section 20. Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over:

(1) Administrative organization;

(2) Creation of sources of revenues;

(3) Ancestral domain and natural resources;

(4) Personal, family, and property relations;

(5) Regional, urban and rural planning development;

(6) Economic, social, and tourism development;

(7) Educational policies;

(8) Preservation and development of the cultural heritage; and

(9) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.

"Section 21. The preservation of peace and order within the regions shall be the responsibility of the local police agencies which shall be organized, maintained, supervised, and utilized in accordance with applicable laws. The defense and security of the regions shall be the responsibility of the National Government."

56. The indigenous cultural communities participated in the ratification of the 1987 Constitution, which provided for the aforecited guarantee, in a plebiscite held for this purpose on 2 February 1987.

57. The Muslims of Mindanao should be cited as an example of the application of the above. Muslims are recognized as both an ethnic and a political entity. Through a referendum, they were allowed to decide on whether they would want to be part of an autonomous region within a specifically defined territory encompassing the boundaries of the Philippines as a sovereign State. Recognition of this ethnic group's "distinctiveness" goes as far as allowing it a separate Islamic Code where the religious, social, cultural, educational and even judicial uniqueness of Islam as a religion and a way of life are recognized.

58. The Chinese, though they may not be considered "recent" immigrants, are another ethno-linguistic minority group in the Philippines whose distinctiveness as a people is recognized. As Filipino citizens, they exercise every right and privilege enjoyed by the ethnic majority of Malay Filipinos. Moreover, Filipino-Chinese enjoy unrestrained freedom in the practice of their religion, customs and traditions and the use of their language. They even operate, with a minimum of curricular restrictions, their own elementary and secondary schools.

Singapore

59. In the legal and political institutions of Singapore, all citizens, whether they are members of minority groups or otherwise, are recognized as Singaporeans.

Slovenia

60. The Constitution of the Republic of Slovenia and the laws guarantee fundamental human rights to every inhabitant of the Republic of Slovenia, including the right freely to express their national identity, the right to use their own language and script, care for their own culture, etc.

61. In addition, Article 64 of the Constitution of the Republic of Slovenia and laws guarantee the members of the Italian and Hungarian minorities, as autochthonous ethnic communities living in the Republic of Slovenia, additional special rights in order to preserve their national identity. The most important among them are:

The right to use their mother tongue (in the nationally heterogeneous areas, the Slovene language and the language of the national minority enjoy equal rights; all public services operate bilingually);

The right freely to use their national symbols;

The right to establish autonomous organizations and institutions;

The right to develop their own culture;

The right to inform and be informed in their own language;

The right to education and schooling in their own language, as well as the right to learn their native history and culture;

The right to be directly represented in the National Assembly and in the bodies of local self-government;

The right to cooperate with their nation of origin.

62. It should be especially pointed out that all the above rights are to be guaranteed irrespective of the numerical strength of the ethnic communities and exercised in nationally heterogeneous areas, and some of them even outside these areas. The State is obliged, under the Constitution, morally and materially to support the implementation of the above rights. The constitutional rights are stipulated in detail by various laws, municipal statutes in the nationally heterogeneous areas, and by executive regulations (for example, election laws, rules on bilingual operation of judicial and administrative bodies, regulations on education and schooling, etc.). At present, more than 30 laws and other regulations containing provisions on special rights of the Italian and Hungarian ethnic communities are in force in the Republic of Slovenia.

63. There have been no special impediments in the implementation of special rights of members of Italian and Hungarian minorities in the Republic of Slovenia, since most of the rights were enacted as early as 1974 under the then Constitution of the Republic of Slovenia and have grown to be an integral component of life to all inhabitants in the nationally heterogeneous areas.

64. The members of Gypsy communities have obtained special status under the Constitution of the Republic of Slovenia. (The Constitution of the Republic of Slovenia states that the special rights of Gypsy communities living in Slovenia shall be such as are determined by statute). Gypsies live in 10 municipalities and represent, owing to their historic tradition, their special way of life and difficult adjustment to urbanized surroundings, a major social problem. Endeavours to help the Gypsy communities have so far been directed primarily towards ensuring basic living conditions, employment, education, as well as towards developing their culture and strengthening their ethnic identity. In recent years, however, shifts have been achieved in their organizational structure and the draft law on local self-government which is now before the National Assembly incorporates a provision on compulsory inclusion of members of Gypsy communities into local self-government bodies.

Spain

65. All linguistic groups have obtained recognition of their rights, which under the Constitution at present in force are equal for all. There exist linguistic groups in some areas of the country but these cannot be considered as minorities in the sense given to that word in the questionnaire. The languages other than Castilian which are also recognized as official in the areas where they are spoken are Catalan, Galician and Basque.

Venezuela

66. The settled indigenous minorities are recognized as ethnic groups which share the same language and/or culture, generally live in the same geographical region and recognize a common history and tradition. Article 77 of the National Constitution establishes an exceptional regime to be developed by the laws for the protection of the indigenous communities and their gradual incorporation in the life of the nation.

67. In the case of the other minorities, some have obtained obligatory legal recognition while others have not. The difference lies in the legal framework encompassing each of these groups. As regards religious beliefs, some groups such as the Evangelical Church, the Adventists, the Jehovah's Witnesses and others are protected by the principle of freedom of worship and enjoy corresponding legal recognition. In the case of migrants, there are (a) naturalized migrants who enjoy legal and political recognition deriving from their status as naturalized aliens and (b) those aliens who have not yet become naturalized, falling into the category of "recent immigrant groups" and not enjoying such recognition.

68. As to obstacles to the granting of recognition, they may be regarded as countless. Chief among them is the fact that the Government of Venezuela has not managed fully to control the illegal entry of Colombians and Brazilians. A good example of this fact is the situation which recently arose between the Venezuelan and Brazilian authorities as a result of the entry of so-called "garimpeiros" into our country, where they entered an informal labour market which does not appear on any register. There is a similar situation with regard to Colombian workers who, if their entry into Venezuela goes unrecorded, impede their own legal recognition.

(iii) Does such recognition consist in a federal structure, devolution of power, local autonomy, or does it take other forms? Please describe, and indicate the obstacles encountered, if any.

Belize

69. The recognition given to settled minorities (who are now Belizeans by birth, marriage or otherwise) does not follow any special form of governmental structure; it is an integral part of our system of government, which is based on the Westminster model of Great Britain. In the case of recent immigrant groups, their recognition is based on the drafting and legislation of special laws by the Belizean Government addressing the issue of refugees, displaced persons and illegal aliens.

Croatia

70. The Constitutional Law guarantees the minority groups existing and acting in Croatia their cultural autonomy on the entire territory of the State, whereas the implementation of specific rights and the way of their use are incorporated in more detailed statutes of individual local self-government units. In areas where a minority makes up more than a half of the population (according to the 1981 census) districts have been founded with a special status, territorial autonomy, the structure of which cannot be contrary to the Constitution of the Republic of Croatia as an integral and indivisible State. Croats and other groups not having majority in these districts are to enjoy all special rights provided by the Constitutional Law for the members of ethnic and national communities or minorities.

71. The following items are of special importance concerning the implementation of the Constitutional Law:

(a) Significant dispersal, as well as the small concentration and number of minorities in Croatia, combined with the fact that they are mixed up within individual local self-government units, has a considerable impact on the exercise of respective minority rights (such as the public and educational use of the native language with programmes suited to a particular minority, access to the media and the like);

(b) The fact that the Serbs in the special-status districts, where they are the majority of the population, obstruct the legal system of Croatia and refuse to recognize the specificities of the minority population there;

(c) The fact that in spite of the special protection entrusted to UNPROFOR the ethnic cleansing goes on unabated in the occupied territories of the Republic of Croatia and that the basic provisions of the Peace Plan (Vance Plan), including the return of displaced persons and the restoration of the demographic composition as it was before the armed rebellion, fail to be implemented;

(d) The Republic of Croatia has introduced regulations on the territorial and political structure of the central administration and local self-government and administration; a new territorial and administrative system modelled on the European Charter on Local Self-Government has been established.

Ecuador

See the answer to question (ii).

Iraq

72. Such recognition sometimes takes the form of autonomy, as in the case of the Kurds, who are a large ethnic minority. With regard to the other minorities, article 5 (b) of the Constitution stipulates that the Iraqi people consists of two principal ethnic groups, namely Arabs and Kurds. Article 8 (c) of the Constitution further stipulates that the region in which the majority of the population is Kurdish enjoys autonomy in accordance with the law. In fact, Act No. 33 of 1974, under which autonomy was granted to the region of Kurdistan, made provision for autonomous bodies (Legislative and Executive Councils) and also dealt with several other important matters. For example, the Kurdish language was recognized as an official language in addition to Arabic and a guarantee was given concerning the establishment of Kurdish cultural and literary institutions. With regard to the other minorities, such as the Turkomans, article 19 of the Constitution stipulates that all Iraqi nationals are equal before the law, without any distinction based on ethnic, religious or confessional affiliation. All the minorities enjoy their cultural rights, including the right to publish books and magazines and establish their own cultural associations, in addition to all the other rights enjoyed by Iraqi nationals in accordance with the Constitution and the law.

Italy

73. Under the Italian legal system, the recognition of linguistic minorities consists of several forms of autonomy. The best example of such protection is the legislation concerning the South Tyrolean minority group in the region of Trentino-Alto Adige. The use of the German language along with the Italian language was recognized in the 1946 Paris Agreement, and its related provisions were incorporated into that region's special statute of 25 February 1948. The new statute on the autonomy of the Trentino-Alto Adige, adopted by Presidential Decree No. 670 of 31 August 1972, devotes chapter XI, articles 99, 100, 101 and 102, to "the use of the German language and Ladin" in the region and places the German and Italian languages on the same footing (art. 49), with the Italian language remaining the official State language.

74. The possibility of using one's own language is granted in relations with the judicial and administrative offices located in the province of Bolzano or competent at the regional level, during meetings of collegial bodies in the region, the province of Bolzano and the local institutions, and, finally, in correspondence and during meetings with government offices and bodies and public service concessionaries.

75. The simultaneous use of two languages is provided for in the drafting of all documents intended for citizens in general or for government or other uses.

76. In the province of Bolzano the authorities have an obligation towards German-speaking citizens to use German place-names in cases where their existence has been verified and their use approved under the local laws.

77. Regarding Ladin, it has been recognized that the Ladin-speaking populations have the right to develop their initiatives and cultural activities in the field of the press and recreational activities and to have their place-names and traditions respected.

78. Despite the broad terms of this provision, recognition of this right is limited in relation to the rights granted to German-speaking citizens.

79. In the field of education in the province of Trentino, especially in the townships where Ladin is spoken, the Ladin language and culture are taught. In the province of Bolzano, however, in the Ladin-speaking communities, the use of the Ladin language is provided for in kindergartens and it is taught in primary schools, but in other educational institutions its use is dependent on the programme of study.

80. The "instructions for use" of the German and Ladin languages in relations between citizens and the administration, as well as in legal proceedings, are described in Presidential Decree No. 574 of 15 July 1988.

81. Provisions common to the French-speaking minorities in the Aosta valley, the Slovene-speaking minorities in Friuli-Venezia Giulia, and the German-speaking minorities in the province of Bolzano are contained in Act No. 18 of 24 January 1979 concerning the election of representatives of Italy to the European Parliament.

82. Act No. 103 of 14 April 1975 contains common provisions relating to the use of the language and to cultural aspects, in the broad meaning of the term, intended to protect the above-mentioned minorities and the Ladin minority in the province of Bolzano, with regard to radio and television programmes. According to these provisions, the concessionary companies located in the bilingual border areas are bound, in particular, to broadcast radio and television programmes in German and Ladin for the province of Bolzano, in French for the autonomous region of the Aosta valley and in Slovene for the autonomous region of Friuli-Venezia Giulia.

83. In addition, it has been decreed that the French and Italian languages shall be given equal importance in the drafting of public documents for the Aosta valley, with one exception: all decisions taken by the judicial authorities shall be issued in Italian. The statute provides that the same number of hours shall be allocated for teaching in both Italian-language and French-language schools and that the curricula relating to the different subjects shall be adapted to local requirements.

Macedonia

84. The Republic of Macedonia is a unitary State. The recognition of the existence of minorities and of the rights of the persons belonging to them is of both a general and a specific nature. For the latter, a proper example is article 78 of the Constitution. It reads:

> "The Assembly establishes a Council for Inter-Ethnic Relations.
>
> "The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks, Vlachs and Romanies, as well as two members from the ranks of other nationalities in Macedonia.
>
> "The President of the Assembly is President of the Council.
>
> "The Assembly elects the members of the Council.
>
> "The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution.
>
> "The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them."

85. The establishment of the Council is seen by the Government as an additional instrument aimed at "facilitating the peaceful and constructive solution of problems involving minorities". The composition of the Council has not yet been completed by the Parliament.

Malawi

86. No federal structure exists.

Philippines

87. The aforecited constitutional provisions (para. 55) require the application of local autonomy by which the ethnic minorities are given a free hand to decide for themselves. A plebiscite was conducted on 30 January 1990 for the Cordilleras and on 19 November 1989 for Muslim Mindanao on the question of establishing the autonomous regions of the Cordillera and Muslim Mindanao. Four provinces and one city voted to be part of the Autonomous Region of Muslim Mindanao. In the Cordilleras, the Organic Act establishing the Cordillera Autonomous Region was rejected in all areas except for the province of Ifugao. With such a vote, the autonomous region was not established. The Philippine Congress will have to come up with another Organic Act to be presented to the electorate in another plebiscite.

Singapore

88. Singapore is a unitary State. All citizens enjoy the same rights and responsibilities.

Slovenia

89. It is evident from the answers to the previous question (see paras. 60-64) that the rights of minorities in the Republic of Slovenia have been stipulated by the Constitution and more precisely determined by laws and other regulations. At the local level, the above rights have been defined in detail (by statutes of municipalities).

Spain

90. Spain has recognized in its political Constitution the right to self-government of the nationalities and regions which make up the Spanish nation.

91. The territory is divided into 17 Self-governing Communities, of which five have their own vernacular languages: Catalonia, Galicia, the Basque Provinces, the Valencian Community and the Balearic Islands; in those last two communities the vernacular languages are derived from Catalan.

92. While there is no express legal recognition, the approval of article 14 of the Spanish Constitution of 1978 amounted to implicit recognition of the existence of ethnic and cultural differences, and therefore entailed a radical change in the treatment of such minorities on the part of public bodies, with reference in this specific case to the Gypsies. There is political recognition inasmuch as legal and political measures are being applied in aid of the Gypsy community on the basis of a non-legislative proposal, approved by the Congress of Deputies at its meeting on 3 October 1985, concerning the establishment of a national Gypsy development plan, with a view to developing specific activities for the benefit of that community.

93. The obstacles that have arisen to a formal declaration of recognition of ethnic minorities in Spain result, first, from the constitutional pattern of distribution of competence between the State and the Self-governing Communities and article 148 defining the responsibilities assumed by the communities and article 149 the matters over which the State holds exclusive jurisdiction. Although formal recognition of ethnic minorities is a matter exclusively for the State, such recognition raises technical problems in the legal sphere, since it would be necessary at the internal level, in the express recognition of ethnic minorities, to take into account: Act No. 5/84 of 26 March on the right of asylum and refugee status; and Organization Act No. 7/85 on the rights and liberties of aliens in Spain, together with all the related legislation.

94. Another important point is the non-existence of any European Community directive that is binding on member countries in this regard, since the international legal instruments generally take the form of recommendations, with no binding force (charter of basic rights of ethnic groups in the States of the Community, charter of rights and freedoms of the peoples of Europe, Gucht Declaration, approved by the European Parliament, etc.).

95. With regard to commitments in the international and European Community sphere, and still more the signing of treaties and conventions, on the part of the Spanish Government, these must be considered from two angles:

(a) Participation in the shaping of European Community and international intentions (within the exclusive jurisdiction of the State under article 93, with no other responsibility towards the Self-governing Communities than that of informing them);

(b) The implementation of the directive adopted, which upon publication in the Boletín oficial becomes part of the internal legal order (which may affect spheres assigned to the competence of the Self-governing Communities).

96. In such cases the position is not that the State, by recognizing minorities, changes the distribution of jurisdictions or the content of the concerns exclusive to the Self-governing Communities, but that from such recognition there may stem a series of administrative and regulatory measures which affect the treatment of those minorities in the various spheres assigned exclusively to the competence of the Self-governing Communities (labour, health, housing, etc.). This leads, arising from the trend towards mutual partnership between the Government and the Self-governing Communities, to the establishment of channels that retard the proceedings - not merely formal and prescribed by the rules, but involving cooperation and harmonization - for possible changes, both regulatory and administrative.

97. Delay would also result from its being considered necessary to consult the Gypsy community itself, as represented in its associations.

98. The above combination of factors connotes a problem that would be difficult to overcome, particularly with regard to time lags, in putting into effect a formal recognition of ethnic minorities.

Venezuela

99. The recognition of minorities in Venezuela is national in scope and applies throughout the territory of the Republic.

(iv) Do minority groups maintain or enjoy cultural and/or educational institutions specifically devoted to meet their needs?

Belize

100. Both minority groups to a great extent have developed and maintained cultural institutions specifically devoted to meet their specific needs.

101. However, the same cannot be said of educational institutions since the Belizean Government has legislated in law that no other educational system is to be used except its own.

Croatia

102. As for the current legislation and the attitude of the Croatian majority towards the cultural and educational activity of minority groups in Croatia, it can be said that they enjoy full freedom to organize their cultural and other associations intended for the preservation of their national and cultural identity. These associations are autonomous in their activities and the Republic and its local authorities, as far as financially feasible, are

helping them in their work. The education of minority groups (if so requested by them) is performed in their mother tongue and contains their own history, culture and science. Classes for them are held in separate schools or divisions, in accordance with local requirements and the number of school attendants.

103. All minority groups have their central organizations (unions or communities), acting on their behalf (such as the Union of Ukrainians and Ruthenians, the Community of Austrians and Germans, and, until recently, of Czechs and Slovaks). Only the Italian minority has a single organization, the Italian Union, covering both Croatia and Slovenia. These organizations bring together regional branches, independent folklore associations and specific cultural institutions formed by their respective minorities and they act through their permanent bodies, depending on the degree of their own organization, dispersal and organizational structure.

104. Owing to their dispersal and poor organization, the Romanies do not fully use the existing possibilities regarding the preservation and development of their ethnic, cultural and linguistic specificities or the presentation of their cultural achievements.

105. If the degree of organization and activity of individual minority groups are compared in terms of the quality and extent of their presence and achievement in the area of culture, as well as the network of schools promoting their language and tradition, significant differences are encountered, primarily related to the varying levels of their earlier cultural development, historical heritage, financial potential, as well as the specific features of the present situation in Croatia. There is a difference between the minorities with established institutions and an advanced system of activities aimed at the preservation of their characteristics and the promotion of their cultural values (especially those which used to have proper minority status in earlier regimes) and the minorities with their status newly won after the independence of Croatia. The latter are faced with the problem of how to assert their national interests through an articulated programme comprising cultural, educational, political and economic spheres. This programme should be attractive enough to bring about a cohesion among the members of the minority concerned, and also specific enough to be distinctive in relation to other minorities. Unfortunately, the imposition of individual conflicting interests makes itself manifest within minority groups, such as the clash of interest between the settled members and newcomers, plus the problem of communication among widely dispersed members.

106. Finally, in answer to this question it should be noted that as a result of the Serbian aggression and the destruction inflicted on the territory of Croatia, let alone the ongoing occupation of some parts of Croatia, the use of educational and cultural institutions of the minorities in Croatia, which served the preservation of their identity before the aggression, has been discontinued. This primarily applies to Hungarians, Ukrainians, Ruthenians, Slovaks, Germans and Czechs, who are now displaced persons or refugees. Classes in their mother tongue are held under unsatisfactory and often improvised conditions and on unsuitable premises (which also applies to the various forms of cultural manifestations) with the basic purpose of maintaining their continuity.

Ecuador

107. In Ecuador, the minorities maintain and enjoy cultural and educational institutions established by the State: there exist bilingual colleges and schools, run by the National Department of Intercultural Bilingual Education (DENEIB), for indigenous students. It should be mentioned that the Confederation of Indigenous Nationalities of Ecuador (CONAIE) participates in the Intercultural Bilingual Education Programme.

Iraq

108. The Constitution and the law guarantee the right of minorities to establish their own cultural and/or educational institutions.

Italy

109. The minority groups recognized through the granting of local autonomy manage their own productive and cultural sectors. Recognized minority groups can exercise their cultural activities by holding regional posts in the cultural field. (See the answer to question (iii)).

Macedonia

110. Minority groups maintain and enjoy cultural and educational institutions specifically devoted to meet their needs. There are schools, theatres, newspapers, radio and television programmes in the languages of the nationalities, although in quantities dependent on their number, concentration and other relevant elements. It should be noted that all educational and cultural institutions and activities, including the above-mentioned, are financed by the Government. The Government pursues the policy, subject to economic conditions, of fostering the educational and cultural activities of the nationalities in their own languages. On the other hand, the Government is aware of a number of complaints by the nationalities, in particular by the Albanians, concerning the level of educational and cultural facilities achieved. Some issues, especially in the field of education, create conflict situations and inter-ethnic tension. So far, most of the problems have been jointly considered or resolved through the existing legal channels, but a number of them remain to be addressed by both the Government and the representatives of the minority groups.

Malawi

111. There is an integrated system of education in Malawi, but some minority groups do maintain/enjoy cultural/educational institutions especially devoted to meet their needs. For example, in relation to the Mozambican refugees, special schools have been established in the camps, Mozambican curriculae are followed and the teaching is in Portuguese.

Philippines

112. The Islamic system of education or Madrasah education in Mindanao is fully recognized by the Department of Education, Culture and Sports (DECS), under its Order No. 24, Series of 1985. This type of education, however, is

limited to elementary education (Alim) and does not go beyond this level to include higher levels (Facil and Dakil) as is the case in Islamic countries. In addition, there are special schools for shari'ah education where Muslims are taught Islamic laws.

113. In terms of recognizing their culture, in Manila itself, a huge mosque was built at government expense right in the centre of the city (Quiapo District) close to the historic Quiapo Catholic church.

114. The Chinese also have their own special schools and temples which cater specifically for the uniqueness of their ethno-linguistic and cultural life.

115. Special education for minorities in accordance with their respective priorities, however, is in addition to the usual national curricular norms and standards set up by the Philippine Government. The DECS-approved curriculum forms part of the curricula of these special schools.

Singapore

116. Minority groups in Singapore are free, on their own, to maintain such cultural and/or educational institutions as they wish, specifically devoted to meet their needs. In addition, the Government has provided assistance in the setting up of self-help bodies both for the minority and majority groups to aid them in helping in the educational and social advancement of those of their members who are disadvantaged.

Slovenia

117. The Italian and Hungarian ethnic communities have their own cultural associations and groups operating in all major towns and villages in the nationally heterogeneous areas. Authors and artists from these ethnic communities are actively participating in all fields of the cultural life along with authors and artists of the majority nation. The members of both ethnic communities have at their disposal several libraries, which are organized as special departments of public libraries in the municipalities or as separate libraries at schools and cultural associations. The activities of cultural organizations for the needs of national minorities are managed and directed by self-governing ethnic communities, which are organized as a uniform representative body of both national minorities in all those local communities where the Italian and Hungarian national minorities live. Professional cultural institutions operating for the needs of the Italian ethnic community in Slovenia and in Croatia, like the Italian Theatre, the Publishing Company Edit in Rijeka, and the Centre for Historical Research in Rovinj, are of special importance for the cultural development of the Italian ethnic community. The activities of the above institutions are jointly financed by the Republic of Slovenia and the Republic of Croatia.

118. Special attention in both ethnic communities has been devoted to the mass media. The Edit Publishing Company publishes the daily La Voce del Popolo, the weekly Panorama, the newspaper Arcobaleno for children and many other periodicals for the Italian ethnic community. The radio station Koper

Capodistria has a special whole-day programme in the Italian language and the major part of the programme of the television station Koper Capodistria is also broadcast in Italian for the Italian ethnic community.

119. The weekly Nepujsag is published for the Hungarian ethnic community and the radio station of Murska Sobota has special editorial staff for the daily five-hour programme in the Hungarian language. Regular broadcasts of TV Slovenia in the Hungarian language are also intended to inform the members of the Hungarian ethnic community. Both ethnic communities have been guaranteed the reception of radio and television programmes of their native nation.

Spain

120. The Spanish juridical system allows legally established immigrant groups to set up cultural or educational associations or institutions with a view to maintaining their own identity.

Venezuela

121. The indigenous groups have their own education systems, geared to the teaching of their language, values, traditions, knowledge, social standards and techniques and to the training of children in the traditional living conditions. This indigenous education is not capable of imparting all the knowledge and skills necessary in order to relate to other sectors of the Venezuelan population, and so official education is necessary. In 1979, provision was made by decree for the Bilingual Intercultural Education System, which was set up on an experimental basis in 1982. In addition, the indigenous communities are associated in indigenous agrarian organizations which, although they are of an economic character geared mainly to improving the production of those communities, also cover the development of their social, cultural and educational activities.

122. As to the other minorities, many of them are associated with or linked to regional or national centres which maintain the relevant cultural traditions. Some of these centres have schools which provide education in the language of the minority and members of some communities attend churches where religious services are held in their language.

(v) Do linguistic minorities, including recent immigrant groups, have the freedom and possibility to receive any part of their education in their own language?

Belize

123. Yes, linguistic minorities do have the freedom to receive a part of their education in their own language provided that the main language of instruction is English, which is the national language of Belize.

Croatia

124. The answer to this question is affirmative, given the conditions in Croatia and the needs voiced by the minorities themselves. In the areas which were not affected by the aggression, the minorities used the earlier established forms and rights to free individual and public use of their native language (the situation in occupied areas is, of course, beyond Croatia's control).

125. Setting up local self-government through the election of local authorities (under way) will pave the way to the realization of the constitutionally guaranteed right publicly to use minority languages. This assertion is corroborated by the fact that nearly all national communities or minorities publish their own bulletins, weeklies, monthlies or quarterlies in their mother tongue. In addition, some of them publish their own magazines, yearbooks or books through their own publishing houses. At the same time some minorities, especially those whose language is similar to Croatian, do not bring up the language issue.

Ecuador

126. It is not possible for all the linguistic minorities to pursue their education in their own language, since the system of bilingual education has not been implemented in all the languages (10 linguistic groups). The Intercultural Bilingual Education Programme has advanced at the level of Quechua and, to a lesser extent, Shuar.

Iraq

127. Although there are no recent immigrant groups in Iraq, the principles embodied in Iraq's Constitution and law ensure that any minority would enjoy the rights of the above-mentioned minorities, within the framework of national unity.

Italy

128. At the present time only recognized minority groups can teach in their own languages; these are in any case not recent immigrant groups.

Macedonia

129. See the answer to question (iv).

Malawi

130. As indicated in the answer to question (iv) above, linguistic minorities including recent immigrant groups have the freedom and possibility to receive their education in their own language. A number of private schools have been established country-wide to cater for such groups of people.

Philippines

131. Under the bilingual instruction policy of the Government, schoolchildren of indigenous cultural communities are privileged to receive education in their own dialect/language at the elementary level. The Arabic language is taught as part of the Madrasah system of education to enable students to read the Holy Koran in Arabic and/or read materials written in Arabic.

132. The Chinese are allowed to use Chinese (mainly Mandarin), in addition to the curricula subjects prescribed and recognized by the Department of Education, Culture and Sports.

133. English is used as the medium of instruction in the case of the Vietnamese and Cambodian refugees, in as much as they have to be relatively fluent in that language as a precondition for their entry into the United States.

Singapore

134. There is no prohibition against any minority groups organizing educational instruction in their own language.

Slovenia

135. Schooling for the members of the Italian and Hungarian ethnic communities is performed according to two different models: for the members of the Italian ethnic community in monolingual schools, with Italian as the teaching language, and for the members of the Hungarian ethnic community in bilingual schools, together with children of Slovenian nationality.

136. Schools with Italian as the teaching language operate in the nationally heterogeneous area of the municipalities of Izola, Koper and Piran. In each of these towns, there is one complete eight-year elementary school (with units for pupils from the first to the fourth grade in smaller places), as well as nursery schools (kindergartens) where children are prepared for school. There are three secondary schools with Italian as the teaching language operating in the nationally heterogeneous area, two grammar schools and one technical college. After secondary school, a smaller part of the pupils enter employment and the others continue their education at one of the institutions of higher education in Slovenia; many also at one of the Italian universities, since they are given such possibility by a developed scholarship system which both Governments have provided for by special agreement.

137. In the bilingual area of the municipalities of Lendava and Murska Sobota, where members of the Hungarian ethnic community live, bilingual education in Slovene and Hungarian has been organized in kindergartens and elementary schools, enabling the children of both nations to learn, in addition to their mother tongue, the language and culture of the other nation. Members of the minority and of the majority nation attend classes in bilingual elementary schools together, being separated only during the lessons of their mother tongues. After elementary school, children can continue their education at the bilingual secondary school in Lendava or at any Slovenian school. For those secondary school students who want to obtain better knowledge of the

Hungarian language, provisions have been made for appropriate studies outside the bilingual area. On the basis of a bilateral agreement with the Republic of Hungary, many members of the Hungarian minority continue their studies at Hungarian universities.

138. The common objective of education and schooling in nationally heterogeneous areas is the creation of conditions for active bilinguality and, for this reason, all children, including members of the majority nation, get compulsory knowledge of both languages already in the pre-school institutions. In this way, generations have been raised in these areas that know no hindrances in mutual communication, which is a solid basis for understanding and coexistence of people in these areas.

139. The Italian and Hungarian ethnic communities are, by Constitution and law, guaranteed the right to influence the planning and development of their own curricular as well as the organization and management of schools and pre-school institutions in which members of both communities are educated.

140. The schooling of members of Gypsy ethnic communities in pre-school institutions and elementary schools has been organized according to special programmes and under special conditions, enabling the children gradually to adapt to classes in the Slovenian language, since - for the time being - there is no possibility to organize for them lessons in their mother tongue. The programmes have been appropriately adjusted and the specific psycho-physical and cultural features of these children considered, and also introduce some elements of their own culture.

141. Children of migrants from other former Yugoslav republics mostly attend Slovene schools in which, in addition to the regular programme, optional lessons of their mother tongue have been provided for. In accordance with the legislation now in force, they have the right to have comprehensive elementary schooling organized for them in their mother tongue. In Ljubljana, an elementary school with teaching in the Croatian and Serbian language has been operating for 20 years, and 274 pupils attended this school in 1992/1993.

Spain

142. The Spanish Constitution recognizes and protects all the peoples of Spain, with their cultures, traditions and languages.

143. Specifically, article 148, paragraph 17 states that the responsibilities of the Self-governing Communities include: "Promotion of culture ... and, when applicable, the teaching of the language of the Self-governing Community."

144. Organization Act No. 1/90 of 3 October 1990, on general organization of the educational system, includes intercultural contents in schooling and accords particular attention in a multiracial and intercultural context to diversity in the school, but as regards the possibility of being educated in one's own language only those official languages recognized as such in the Statutes of particular Self-governing Communities can be used in them.

145. Since most of the immigrant groups come from Spanish-speaking countries in South America and from Morocco, where Castilian is also spoken, the problem referred to in this question does not exist except in isolated cases of immigrants coming from other countries in Africa who do not at present enjoy the possibility of studying in their own languages.

Venezuela

146. See the answer to question (iv).

(vi) Do such groups or their representatives have the right and possibility to participate in the planning, implementation and benefits of development policies?

Belize

147. Yes, opportunities for minority participation in the development of policies exist. However, these opportunities are more readily available to "settled minorities" than "recent immigrant groups".

Croatia

148. The right of minorities to participate in planning and implementing current development policies will be applied in practice after the establishment of regional administration and local self-government and after the elections for the bodies of representation. Their right will be dependent on their share in the population of the respective administrative unit. This influence will be greater where a minority is more concentrated, which particularly applies to the special-status districts, as already stipulated in the Constitutional Law, the minorities (in this case Serbs) will enjoy autonomy in terms of economic development and planning.

Ecuador

149. Traditionally, the country's ethnic and cultural minorities have not participated in planning or decision-taking at development policy level. It should, however, be noted that, since the 1980s, with the strengthening of the indigenous movement and the establishment of the Confederation of Indigenous Nationalities of Ecuador (CONAIE), the indigenous population has gained recognition as a social and political sector with its own voice, which is beginning to be heard by the civil society and the State.

150. This organizational effort by Ecuador's indigenous population has meant that it has been acquiring room to negotiate; this has brought it a number of benefits, especially in the educational and cultural spheres.

Iraq

151. As already indicated, the Constitution and the law stipulate that all Iraqi nationals are regarded as equal and are entitled to equality of opportunity in regard to access to all levels of public office. By virtue of this equality, the minorities participate effectively in national planning, administration and development.

Italy

152. The French-speaking group of the Aosta valley and the German-speaking group of Trentino-Alto Adige have the possibility of participating in the benefits of a development policy.

Macedonia

153. The representatives of the minority groups, mainly as delegates of the existing ethnic political parties or ethnic associations, have both the right and the possibility to participate in the planning, implementation and benefits of development policies. Such participation is possible in the appropriate authority bodies at the national and local levels.

154. On the other hand it has to be pointed out that, at both national and local levels, there are no specific development policies aimed at resolving separate minority development needs. The Government pursues the policy of faster development of the less developed areas and communities. Only some of those communities are partly populated by members of minorities.

Malawi

155. Some "settled minorities" do have a right to participate in the planning and implementation of development policies at the national level by virtue of various offices they hold or economic interest they have.

156. However, minorities who are not citizens of Malawi, for example Mozambican refugees, only have the possibility of participating in planning, implementing policies of cultural activities, etc., in their camps.

157. All minorities do, however, benefit from these policies since there are no restrictions regarding their movements or access to facilities. Hence, minorities have access to all government services, hospitals, markets, roads, public schools etc.

Philippines

158. Yes. There is an operational system of sectoral representation of ethnic minorities in the Philippine Congress (Lower House). Those ethnic sectoral representatives, like any other lawmakers in the Philippines, participate freely in every activity of congress, including enactment of legislation applicable to the nation, as well as on the development of the autonomous areas where these ethnic representatives come from. Moreover, as a matter of national policy and programme, various development authorities have been created by law, and these authorities are specifically mandated to develop regions, including regions of ethnic minorities. In Mindanao, there is the Office of the Southern Cultural Communities, and in the Cordillera, as long as the people of the region have not decided to organize themselves formally into a Cordillera autonomous region the Government helps enhance the activities of various organizations for the development of the region such as the Cordillera Bodong Association, Cordillera Regional Consultative Commission and the Cordillera Executive Board. Responsible leadership in these bodies is shared with, if not entirely given to, the ethnics who come from these regions.

Singapore

159. Planning and implementation of development policies are undertaken on a national basis and the interests of minorities are taken into consideration. The benefits of development policies accrue to all citizens, regardless of race or religion.

Slovenia

160. In addition to the rights guaranteed to all citizens, members of the Italian and the Hungarian ethnic communities have the possibility of influencing the development policy of self-governing ethnic communities which have the right to take part in decision-making concerning all issues relating to the ethnic communities at the local level, whereas at the State level, they are represented in the National Assembly by their deputies who have been elected on special lists.

161. A special committee for ethnic communities is operating at the National Assembly and its decision concerning any issues relating to the position of national minorities in Slovenia is crucial.

Spain

162. They are entitled to receive the benefits provided for in Spanish legislation with regard to alien status, employment, social security, civic security, etc.

163. With regard to the Gypsy community, and under the Gypsy Development Programme (based on the non-legislative proposal), the Consultative Committee of Gypsy Associations, composed of representatives of those associations and members of the administration, has been established, with a view to organizing the participation of the community itself, channelling requests and coordinating plans.

164. The creation of an ethnic minorities council is rendered difficult by the dispersal and lack of representivity of the Gypsy associations at the present time. Latterly, in response to racist incidents, the associative movement is apparently organizing discussion forums to arrive at a consensus on the most urgent problems affecting this ethnic minority, so it may be that in the near future there will be representatives with whom such a council can engage in dialogue.

165. Meanwhile the Gypsy organizations are also taking part through two representatives in the work of the committee representing state-wide non-profit-making non-governmental organizations (Order dated 27 February 1991 of the Departmental Subsecretariat), through which aid and subsidies are allocated for the implementation of social programmes of cooperation and voluntary work, financed from income tax.

166. In some self-governing communities the Gypsy associations participate in the Social Services Consultative and/or Advisory Boards, as provided for in the relevant legislation of the respective Communities.

Venezuela

167. With few exceptions, the indigenous communities are linked in various ways to the dynamics of the country. They are players in the economies of their regions as producers, consumers and labour forces. They participate, albeit with certain limitations, in the planning and execution of the development programmes that are implemented for their benefit.

168. As to the other minorities, Venezuelan laws take account of their existence in the planning of policies, with the result that aliens duly registered and naturalized in Venezuela receive the full benefits intended for the population, although there are constitutional limitations on the exercise of certain political rights.

(vii) In regard to the economic conditions of minority groups, is their average standard of living, life expectancy and child mortality rate approximately the same as that of the national average? If not, is it lower or higher than the national average?

Where federal structures exist based on criteria of nationality, the response to question (vii) should compare both the situation among the different nationalities within the federation and that of the different ethnic, cultural and linguistic groups inside each of the member States or republics, of the federation.

Belize

169. As far as the "settled minority groups" are concerned, the difference is much smaller than with the "recent immigrant groups" when comparing average standard of living, life expectancy and child mortality rate with those of the national (Belizeans) average.

170. Within the "settled minority groups", there are a few ethnic groups whose standard of living, etc., are much lower than the others, for example, the Maya Indians, (Mopan and Ketchi Mayas). On the other hand, the Mennonites as a settled minority group display a relatively high standard of living.

171. In general, most ethnic groups within the "recent immigrant groups" demonstrate fairly low standards of living relative to the Belizean average, with a few exceptions, for example, the Taiwanese.

Croatia

172. Before the aggression against Croatia where were no discrepancies in terms of economic conditions, average standard of living, life expectancy and child mortality between minority groups (with the exception of the Romanies) on the one hand and the majority of people on the other. It was the prevailing economic conditions (of either the agricultural-rural or the industrial-urban population) that determined the way of life and the level of education of both the majority and the minority sections of the population. The differences among various minorities are a result of historical, cultural, social and other factors and are often determined by the conditions prevailing in the place of living. The Romanies, who considerably differ in this respect

from other sections of society, typically lag behind in terms of welfare, social development and means of earning a living. In addition, they are poorly organized, have a high degree of illiteracy and semi-literacy and a high rate of child mortality. Noticeable among the Romanies also is a discrepancy in the area of employment (only 20 per cent of the Romanies hold regular jobs).

173. Unfortunately, the war devastation in Croatia will have a detrimental effect on all national groups, including Croats. The occupation of certain areas, the interruption of traffic links and the overall stagnation there, accompanied by the loss of reproductive population, including children as the victims of war, are all bound to have a long-term effect on the revitalization of minorities and their economic conditions.

Ecuador

174. According to the National Institute of Employment (INEM), full unemployment in urban areas in 1991 was 8.5 per cent and underemployment 45.8 per cent of the economically active population. Of the rural population, 80 per cent is below the poverty line. For the period 1985-1990, the average life expectancy of the Ecuadorian population was 65.4 years (National Development Council (CONADE), Department of Population Studies, 1992). In the rural sector, 34 per cent of dwellings are considered inadequate, and 84.35 per cent of them lack basic facilities. With regard to the satisfaction of basic necessities (housing, education, health and food), for 91.6 per cent of the rural population those needs are not satisfied (INEM, Household Survey of 1988). Moreover, 66.6 per cent of the country's rural population suffers from chronic malnutrition, and the child mortality rate is 47.7 per thousand. The indicators given by way of example illustrate the situation of underdevelopment and poverty in the country in general. The situation is becoming extremely acute and critical when account is taken of the reality of the ethnic minorities' existence, especially in the provinces of Cotopaxi, Tungurahua, Bolívar, Chimborazo, Cañar and Imbabura.

Iraq

175. Regardless of their ethnic, linguistic or religious affiliations, no Iraqi nationals are treated differently from their fellow citizens. They all enjoy equal treatment, without discrimination, in all spheres of national life, including the health, education and economic sectors.

Italy

176. There are no significant differences between the average standard of living of the linguistic minorities in Italy and that of the other citizens. The standard of living of the recognized minority groups is higher than the national average.

Macedonia

177. Generally speaking, yes. Nevertheless, certain specific situations should be underlined. With regard to the place of residence, in urban or rural communities, the overall population of the country is almost equally

distributed (52 per cent urban and 48 per cent rural). The standard of living in the rural areas is, as a rule, below the national average for most of the indicators.

178. Although this fact influences all ethnic communities, including the dominant one, it affects some more than others. In this respect it is noticeable, for instance, that the Albanian minority is the only group whose members, two thirds of them, reside in rural conditions. All other groups are either closer to the national average (Macedonians, Turks and Serbs) or markedly urban (Romanies and Vlachs). This urban-rural configuration determines not only the standard of living, life expectancy and child mortality rates, but also the overall exposure to minority rights.

179. One exception to the rule are the Romanies. They are, after the Vlachs, the most urban oriented community. Nevertheless, their standard of living, education, employment, etc., are far below the national average and make them the only visible disadvantaged minority group.

Malawi

180. The economic conditions of a large percentage of minorities who have now settled and own a couple of businesses or hold high office are better than the national average. However, the economic condition of some minorities, for example refugees, is about the same as that of the average national. The average standard of living, life expectancy and child mortality rate is approximately the same.

Philippines

181. Where federal structures exist based on criteria of nationality, the response to this question should compare both the sitution among the different nationalities within the federation and that of the different ethnic, cultural and linguistic groups inside each of the member States, or republics, of the federation.

182. Most ethnic cultural communities have very low standards of living which make them vulnerable to disease and other social problems. The high incidence of poverty in the country, which afflicts 48.5 per cent of the total population (based on 1991 data of the National Economic Development Authority) affects the cultural communities as well. These poverty-stricken groups are generally perceived to be characterized by low life expectancy, high malnutrition, and high morbidity and mortality rates. Unfortunately, statistical data on the socio-economic and demographic characteristics of the minority groups are not available.

183. The standard of living of ethnic minorities may be generally lower than that of the national average, but this is not so because they are minorities. Rather this is because of the geographic locations and terrain of the areas where these minorities reside. In the hinterland, facilities and services such as health, infrastructure and education are less available than in the lowlands. However, ethnic groups that reside in the lowlands and centres of population and development have, as a rule, the same level of economic conditions and standards of living as the average Filipino.

184. The Chinese, who live and practice their occupations/business in the urban sectors, in general, even enjoy better living standards than the average Filipino.

Singapore

185. Approximately the same. Where they are below the national average, assistance is provided to raise the level. Singapore's preferred policy approach is to uplift the underclass in all racial groups. In this context, self-help groups for the various communities are set up with the Governments assistance. (Brief descriptions of these groups are provided in Annex A).

Annex A

Chinese Development Assistance Council

1. The Chinese Development Assistance Council (CDAC) was set up in 1992 to help Chinese under-achievers, regardless of their education or language background.

2. For students who are under-achievers, counselling, remedial courses and small group tutorials are devised. In the case of working adults, they are encouraged to take special courses to improve their working ability and earnings. A study is under way to identify more specific ways to assist under-achievers.

3. Funds for the CDAC are raised through an opt-out scheme. Working Chinese earning less than $2,000 contribute 50 cents a month. Those earning more than $2,000 give $1 each. The sum collected will amount to $5.7 million a year. In addition an endowment fund to raise $50 million was launched. The amount will be raised within 10 years through individual and corporate donations.

Mendaki

4. Mendaki was originally formed to look into improving the educational level of Malays in Singapore. Mendaki is looking beyond educational development and is tackling the issue of how to develop a self-reliant, successful and morally strong Malay/Muslim community. Business is one major area. Mendaki Holdings was incorporated in 1989 to look into setting up a unit trust fund so that members can pool savings for investment.

5. Working Muslims contribute a flat rate of $1 a month each to Mendaki.

Singapore Indian Development Association

6. The Singapore Indian Development Association (SINDA) has a tuition scheme for Indian students. It also has a welfare plan to counsel lower-income Indian families. A sum of $1 to $6 based on income levels is deducted from monthly wages of working Indian Singaporeans.

Slovenia

186. The average standard of living of members of the Italian and Hungarian ethnic communities does not differ from the standard of living of the majority population in nationally heterogeneous areas. It should be pointed out, however, that the Hungarian minority lives mainly in rural areas which, as a rule, are less developed, while the Italian minority lives mainly in urban, well-developed regions on the Adriatic coast.

187. Members of Gypsy ethnic communities live in difficult social conditions with a low employment rate, very often below normal housing standards owing to their way of life, traditions and difficulties in adapting to the urban way of life. Therefore, a large part of the Gypsy ethnic community represents a great social problem which the Republic of Slovenia is trying to solve by programmes aimed at improving their housing conditions, by programmes of active employment, social welfare to those who cannot earn their own living, and especially by systematic care for the education of children, since the lack of education makes it impossible to achieve any improvement in the social field.

Spain

188. Immigrant groups with legal status have the same life expectancy as Spaniards. As regards infant mortality they have similar rates since their living conditions are also very similar.

189. The question in the second paragraph does not apply to Spain.

190. Regarding the demographic aspects, the Gypsy population is a young one (70 per cent under 25 years of age), with birth rates above the worldwide mean (average five members per family) and high infant mortality rates. They are more prone to disease than the rest of the population, owing mainly to lack of basic knowledge concerning preventive measures, nutrition, etc., and to unhealthy conditions in which they sometimes live.

191. The estimated population in each Self-governing Community, according to the various available studies and research, shows very uneven territorial distribution throughout Spain (the communities of Andalusia, Valencia and Murcia, together with the cities of Madrid and Barcelona, account for nearly 70 per cent of the Spanish Gypsy population).

192. In Andalusia the general pattern is one of regular, constructive coexistence with the rest of the population, though there are certain areas (Martos, Linares, Jaén, etc.) with a high frequency of conflicts owing to the fact that those provinces have the lowest levels of per capita income and cultural development, which renders still more difficult the work of consciousness-raising to promote better understanding between Gypsies and non-gypsies and is not conducive to participation by the Gypsy population in the general life of society. Those areas represent an exception to the general state of affairs in Andalusia.

Venezuela

193. As regards the indigenous population, their living standards are lower than those of the rest of the population, despite the efforts that have been made by the National Government to remedy this situation.

(viii) If some minority groups are disadvantaged relative to the national average, have they been provided with the opportunity to improve their situation by their own efforts?

Belize

194. Yes, opportunities have been provided for some minority groups to improve their standard of living relative to the national average. Help has come primarily through programmes sponsored by the Belizean Government and United Nations agencies such as UNHCR, UNDP and regional initiatives such as the PRODERE programme.

Croatia

195. The very fact that under the Constitutional Law the Romanies were treated equal to other minorities shows that they have been given a chance to improve their position and to gain a status of equality with other minorities through their own effort. But they will surely need extra help to integrate themselves within their own community which varies from group to group in terms of language, religion, tradition, affinity to specific trades, the way of living (nomadic or sedentary), as well as their own attitude to their national and ethnic identity.

Ecuador

196. The ethnic groups studied, whose standard of living is below the average indicators for the country, generally benefit the least from the development programmes and projects being carried out in the country.

197. The State has not initiated enough specific development programmes for the indigenous population. It has been noted that barely 1 per cent of the social and economic programmes focus on the indigenous population.

198. The Marginal Rural Development Fund (FODERUMA) is carrying out a number of projects, although of a smaller and smaller scale, to benefit the poorest and most disadvantaged groups, who for the most part are indigenous. This institution undertook operations, especially in its initial phase (1976-1985), whose strategy was based on the participation of the existing forms of organization in agriculture, especially communes whose composition was almost entirely indigenous.

Macedonia

199. As referred to above, the Government pursues a policy of financial and other assistance to less developed regions, irrespective of their ethnic composition. Within such opportunities, especially at the communal level, the minority groups, through their direct participation in local authority bodies

and services, may employ their own efforts to improve the situation of the region and their own. Also, there are no legal or other obstacles to prevent the minority groups from organizing themselves, outside the official channels, in order to advance their everyday life. Such self-reliance activities are welcomed and supported by the Government.

Malawi

200. No minority group is disadvantaged in relation to the national average as none of them are discriminated against or denied any services whatsoever.

Philippines

201. The cultural communities have been provided with opportunities for self-advancement by the Government. The upliftment, advancement and development of their socio-economic life and aspirations are, in fact, major concerns of the Government. The opportunities usually provided include livelihood programmes and projects in agriculture (crop/vegetable fruit-tree production), animal production (goat, cattle), rural home industries (vinegar making, food processing, hollow block making), cottage industries (fibre, wood, rattan and bamboo crafts) and fish culture.

202. People's empowerment, a national programme, is premised on maximum participation and opportunity for growth for the broad-based masses irrespective of their ethnicity. This is encouraged through the granting by the Government of various forms of assistance, including financial assistance. Another aspect of people empowerment is the participation of non-governmental organizations which serve as conduits for financial assistance and services to communities and individuals from various government aid agencies. Ethnic minorities are full participants in this national movement.

Singapore

See the answer to question (iv).

Slovenia

203. The social status of the Italian and Hungarian national minorities does not substantially deviate from that of the majority of the population. The Italian minority especially, however, endeavours to develop, with the assitance of Italy as their country of origin its own economic potential and thereby to obtain greater economic autonomy. The Hungarian ethnic community considers that its perspective consists in a more rapid development of the entire Slovenian area along the Hungarian border, and within that framework, in encouraging traffic and economic flows with the Republic of Hungary.

204. Gypsy ethnic communities, owing to their low social status have little possibility for equal development without substantial support from the State. Therefore, government measures are especially aimed at alleviating difficult living conditions and improving their social status, education and employment.

Spain

205. Immigrant groups are given the opportunity to legalize their situation. In all other respects they are covered by the rights that exist for all citizens.

Venezuela

206. Some descendants or members of minority groups with a confirmed living standard representing critical poverty benefit from certain compensatory social programmes such as the food subsidy and the school uniform programmes, but only on condition that they are duly registered and enrolled in the formal education system.

(ix) Have disadvantaged minority groups benefited from policies of affirmative action?

Belize

207. Yes, the Belizean Government has passed legislation over the years which has benefited both groups of minorities. For example the ethnic group known as Garifuna (or Black Caribs), has been able to convince the Government that its Garifuna Settlement Day festivities should be commemorated as a national holiday and not just a holiday for Garifuna communities.

208. Moreover, recent migrant groups from neighbouring Central American countries, (Guatemalans, Mexicans and Hondurans) are allowed to celebrate the independence day of their respective mother countries. Additionally, they are able to participate in the running of their communities through locally-elected village councils.

Croatia

209. With the adoption of the Constitutional Law, as well as owing to a generally pervasive trend towards recognition of national, traditional and other specific values of the citizens of the Republic of Croatia, a favourable atmosphere has been created for the independent cultural and political performance of minorities. This is particularly true of Montenegrins, Macedonians, Muslims, Slovenes and Serbs, that is to say those nations which constituted the former Yugoslavia and now have an opportunity to act as minorities within the framework of Croatia's legal and political system. More or less the same applies to Germans and Austrians, and the Romanies. Decentralization of concepts of State-sponsored national leagues has made it possible for regional and local branches of minorities' associations to assume a more marked role in everyday events. Thanks to the multiparty system, minority groups have been able to launch their own political programmes, exerting their political influence on an equal footing with parties already existing on the political scene.

Ecuador

210. See the answer to question (viii).

Iraq

211. See the answer to question (vii).

Italy

212. See the answer to question (vii).

Macedonia

213. Affirmative action by the Government, although not directed to any specific minority group or disadvantaged minority group, do produce beneficial results. Such affirmative activities of the Government stimulate the minority groups to take further initiatives aimed at the improvement of their material and other situation.

Malawi

214. Such minorities as "recent immigrant groups", except refugees need to have either a temporary or permanent permit. If this condition is met, those minorities are not prevented from engaging in wage earning employment or employment on their own account. Some non-governmental organizations also assist refugees to engage in income-generating activities in and around the camps.

Philippines

215. Yes. Special agencies have been created to articulate their needs and interests, such as the creation of tribal councils, the protection of their right/claim to ancestral lands, the provision of livelihood programmes, the construction of small-scale infrastructure and other socio-cultural economic activities.

Singapore

216. There is evidence that one of the minority groups (the Malays) has benefited from the policy of assisting it in the educational field. Efforts are now being made to assist the other minority groups through self-help organizations.

Slovenia

217. The analyses of the position of minority groups carried out in the Republic of Slovenia show that every minority group needs special protection and special conditions for its development. These are the foundations of the entire minority policy of the Republic of Slovenia.

Spain

218. As regards recent immigrant groups, they have benefited by being given the possibility of legalizing their situation.

219. In an attempt to get the Gypsy community to avail themselves of the regular social welfare systems, a plan of action on behalf of the Gypsy community is being carried out with the aims of:

Improving the quality of life and facilitating the social integration of Spanish Gypsies;

Promoting good relations with the rest of the population by fostering respect for Gypsy culture;

Establishing facilities for participation by the Gypsy community in matters concerning them;

These activities are being conducted by means of cooperation with:

Self-governing Communities;

Government departments;

Gypsy associations; and

other non-governmental organizations.

220. Other activities relating to public information and education on matters concerning Gypsies are:

Sensitization campaigns;

Research and studies;

Preparation of a basic catalogue of bibliographical, regulatory and documentary material, of national and international scope;

These activities are financed through:

Appropriations approved in the general State budget for social integration projects, jointly funded with Self-governing Communities:

Ministry of Social Affairs (60 per cent);

Self-governing Communities (40 per cent);

Invitation to apply for subsidies for programmes in the area of social action;

Invitation to apply for subsidies for activities to be financed through the allocation of 0.52 per cent of the tax on personal incomes;

The relevant legal instruments for the year 1992 are:

Resolution of the Office of the Under-Secretary, dated 18 March 1992, to publicize the decision establishing the objective criteria for distribution of certain budgetary appropriations among the Self-governing Communities by way of subsidies for the implementation of programmes of social services (Boletín Oficial No. 78, dated 31.3.92);

Order dated 5 March 1992 establishing basic regulations for the granting of subsidies under the general rules applicable to the Ministry of Social Affairs and its self-governing agencies (Boletín Oficial No. 62, dated 12.3.92);

Resolution dated 16 March 1992 of the Directorate General of Social Action determining the programmes eligible for subsidy in the sphere of social action during the year 1992 (Boletín Oficial No. 72, dated 24.3.92);

Order dated 19 February 1992 allocating support and subsidies for the implementation of social programmes of cooperation and voluntary work, to be financed from income tax (Boletín Oficial No. 48, dated 25.2.92);

Resolution dated 4 July 1992 of the Directorate General of Social Action providing for publication of information on the subsidies granted under the provisions of the Order of 5 March 1992 (Boletín Oficial No. 248, dated 15.10.92).

Venezuela

221. The recognized minority groups are included in the affirmative action policies aimed at the rest of the population. The Venezuelan Government has tried to improve the situation of the indigenous communities through social investments and projects addressed to this population in particular.

(x) Do minority groups have direct representation in national legislatures?

Belize

222. Yes, but this is primarily true for the settled minority groups. Examples include the Maya and Garifuna ethnic groups.

Croatia

223. Pursuant to Article 18, chapter IV (Proportional paticipation in representational and other bodies) of the Constitutional Law, members of national and ethnic communities or minorities who make up more than 8 per cent of the population of the Republic of Croatia are entitled to be proportionally represented in the Croatian Parliament and Government, as well as in the supreme judicial bodies. Members of national and ethnic communities or minorities whose share in the population of the Republic of Croatia is below 8 per cent are entitled to elect a total of five representatives to the House of Representatives of the Croatian Parliament. These five deputies represent

all national communities, apart from Serbs who constitute more than 8 per cent of the population. Four independent minority representatives and one candidate from the Croatian Social and Liberal Party roster were elected to the House of Representatives. Moreover, minority group candidates have a fair chance of being elected to the Parliament through the State roster of a particular political party. Serbian community delegates are elected from the roster of the Serbian National Party (one of the Serbian parties in Croatia) and other parties with Serbian delegates listed on their rosters which has ensured their entrance to the Parliament.

Ecuador

224. The indigenous minority groups as such do not have direct representation in national legislatures; however, any Ecuadorian citizen may, without any form of discrimination, be elected a member of the National Congress, the country's legislative body. The reason why only a small number of indigenous persons have won seats in the National Congress is that they have been associated with political parties which in general do not exactly represent the interests of indigenous groups.

Iraq

225. Article 3 of the National Assembly Act definitely guarantees that all Iraqi nationals have the right to stand as candidates in elections to the National Assembly, without any discrimination among them. They also have the right to elect candidates on the legally stipulated conditions. Moreover, the National Assembly Act permits Iraqi Kurds to elect and stand as candidates, in addition to their right to stand as candidates in elections to the Legislative and Executive Councils of the Region of Kurdistan.

Italy

226. In this connection, the national legislation makes no distinction between citizens belonging to a recognized linguistic minority and other citizens. The German- and Ladin-speaking minorities of Alto Adige, the French-speaking minority of the Aosta valley and the Slovene-speaking minority of the Provinces of Trieste and Gorizia are represented in the national legislative bodies.

Macedonia

227. The Constitution does not provide for reserved seats on ethnic grounds. The Parliament is composed of representatives of political parties or independent members, not representatives of minority groups.

228. All minority groups have their own political parties; one or more. But in the unicameral Parliament (120 seats) only three have representatives:

(i) Party for Democratic Prosperity (Albanian) with 22 seats;

(ii) National Democratic Party (Albanian) with 1 seat; and

(iii) Party for Total Emancipation of the Rhoma (Romanies) with 1 seat.

229. Similarly, the political parties of minorities are represented in the legislative bodies in the 34 communes. Of the total number of 1,510 members of the local assemblies, 221 are Albanians, 22 Turks, 16 Serbs, 15 Romanies, 12 Vlachs and 33 belong to other groups.

230. It should be added that in the current Government, consisting of 17 ministers, 5 belong to the Albanian Party for Democratic Prosperity, while one minister (for cultural affairs) is of Turkish ethnic origin, although not representing the Turkish ethnic democratic party.

Malawi

231. Minority groups who are Malawian nationals have opportunities for direct representation in national legislatures.

Philippines

232. The cultural communities are given the opportunity to nominate a sectoral representative to the national legislature (House of Representatives). The opportunity to run for public office in the Senate and the House of Representatives is available to everyone. At the same time, the Autonomous Region for Muslim Mindanao (ARMM) has its own legislative body elected directly by the local ethnic groups. There is an impasse with respect to the Cordilleras with regard to the constitution of their own legislature, since only one province, Ifugao, has ratified the creation of its autonomous region. That province has a representative in the House.

Singapore

233. There is no direct representations for minority groups in the Singapore Parliament. However, there are a number of group representation constituencies where there is a requirement that one of the candidates in the group must be from one of the minority community. Further, all the political parties in Singapore are, generally, multi-racial. In addition, Singapore has established a Presidential Council for Minority Rights, an institutional mechanism to protect minorities (a copy of the functions and general information of the Council is annexed).

Annex

1. The Council is established under Part VII (Articles 68 to 92) of the Constitution of the Republic of Singapore. The following, briefly, are the functions of the Council in pursuance of the law.

2(a) It shall be the general function of the Council to consider and report on such matters affecting persons of any racial or religious community in Singapore as may be referrd to the Council by Parliament or the Government;

(b) A reference to the Council by Parliament may be made by the Speaker and a reference to the Council by the Government may be made by a Minister (Art. 76).

3(a) It shall be the particular function of the Council to draw attention to any bill or to any subsidiary legislation if that bill or subsidiary legislation is, in the opinion of the Council, a differentiating measure (Art. 77);

(b) A "differentiating measure" is defined to mean any measure which is, or is likely in its practical application to be, disadvantageous to persons of any racial or religious community and not equally disadvantageous to persons of other such communities, either directly by prejudicing persons of that community or indirectly by giving advantage to persons of another community (Art. 68).

4. The proceedings of the Council shall be conducted in private and the Council shall not be entitled to hear objectors or examine witnesses in regard to any Bill which is being considered by the Council in pursuance of the law (Art. 84).

Slovenia

234. The Italian and the Hungarian ethnic communities are organized in self-governing ethnic communities which represent the minority interests and take part in decision-making concerning all issues related to the position of the minority. It is stipulated in the Constitution of the Republic of Slovenia that both ethnic communities are guaranteed the right to be directly represented in the National Assembly of the Republic of Slovenia and in self-governing bodies. Based on this provision, each minority votes one delegate directly to the National Assembly on special lists. At the elections held on 6 December 1992, one delegate of the Italian minority and one delegate of the Hungarian minority were elected among 90 members of the National Assembly.

235. Laws and other regulations which affect the rights of ethnic groups stipulatd by the Constitution, may not be enacted without the consent of the delegates of these communities.

Spain

236. As stated in previous replies, the minority groups referred to in this item do not exist. As an ethnic minority gypsies are not formally represented.

Venezuela

237. The minority groups as such do not have direct representation in national legislatures. As to the indigenous communities, although they participate in the electoral processes, they too have no such representation in national legislatures.

(xi) Have members of minority groups benefited from agrarian reform measures or resettlement programmes?

Belize

238. Yes, minority groups have benefited immensely in Belize from resettlement programmes. The benefits to the settled minorities, however, have not been as eye-catching as those to recent immigrants. In the area of resettlement programmes, new communities have been established for recent immigrants, for example, Valley of Peace Village, Las Flores and Salvapan. An integral part of these programmes includes land distribution for agricultural purposes.

Croatia

239. Forced migrations of population in the Republic of Croatia are a result of the deliberate policy adopted by Serbia within the so-called Yugoslavia and enforced through mechanisms of paramilitary power in the occupied territories of the Republic of Croatia. The applied methods of ethnic cleansing have had disastrous effects on the Croatian population, as well as on minority communities in those regions who have found temporary refuge in Croatia and abroad. Not only were they dispossessed of all their property (which had either been destroyed, burnt or confiscated) and left destitute, but also deprived of their cultural heritage. Many of them were killed in the war while defending Croatia and their homes, or as victims of terror towards civilians.

240. Over centuries the various national minorities have contributed to the progress of the region from where they were displaced. Forced migrations have jeopardized the survival of minorities and their eventual return to devastated areas. Clearly it is up to the international community now to find ways of protecting minorities, as well as the majority population, from the aggressive politics of the national minority group, which in the name of the alleged protection of its interests endangers all the others.

241. As an exceptional measure, for humanitarian reasons and in order to avoid ethnic tensions, the Republic of Croatia has approved some emergency relocations and exchanges of property, mostly between people from Voyvodina, Kosovo or Bosnia and Herzegovina and people from Croatia. Similar experiences in the aftermath of the First World War and especially after the Second World War unfortunately point to adverse long-term effects of such resettlements, producing animosities between the indigenous population and the newcomers regardless of their ethnic origin.

Ecuador

242. Implementation of the agrarian reform laws of 1964 and 1973 brought benefits to a small sector of the country's indigenous peasant population. In general, the implementation of agricultural reform in Ecuador has not resulted in a solution to the agrarian problem: there has been a growth in migration from countryside to town, as well as a rise in unemployment, underemployment, land disputes, land dispossessions and environmental degradation. It should

be noted, however, that during the period 1964-1992, 890,678 hectares of land were allotted under agrarian reform, and 6,067,706 hectares allotted under settlement schemes, in favour of 230,845 families.

Iraq

243. Like all Iraqi nationals, minorities have benefited from agrarian reform measures in the country.

Italy

244. Recognized minority groups have participated in the implementation of all reforms at the national level.

Macedonia

245. Currrently, such reform and programmes are not operative.

Malawi

246. In relation to Mozambican refugees a tripartate commission was formed between the Malawi and Mozambican Governments and issues of repatriation or resettlement are considered by this commission.

Philippines

247. The cultural communities, by virtue of their unique cultural traditions and practices, have outstanding rights or claims on ancestral lands which they have inhabited or cultivated for generations. Developments in the past seven years have seen the inclusion of provisions in both the 1987 Constitution and the Comprehensive Agrarian Reform Law (CARL) where the right of minorities to their ancestral lands is underscored. In this context, the regalian doctrine on the absolute power of the State to own lands not tilled and/or registered under a private person or juridical entity, and the right to decide on the use of these lands, has to give way to the rights of the ethnic minorities who have used and cultivated these lands for generations, though such possession is not supported by traditional evidence of ownership, such as a title which is duly registered and authenticated under the Philippine land registration system.

248. Recently, the Department of Agrarian Reform (DAR) set up a "tribal desk" within the DAR Central Office, which is tasked with protecting the interests and welfare of indigenous cultural minorities in the Department's development plans.

249. In addition, indigenous peoples from Pampanga, Tarlac, Zambales and Bataan Provinces, who generally are lumped under the term Aetas (anthropologists give them the ethnic name of Abelens) who were displaced by the Mount Pinatubo eruption, have become the subject of a programme of resettlement/transmigration. Government and private institutions considered the circumstances of the original habitat of the Abelens in choosing suitable

resettlement areas for them. Special attention and was also given to the uniqueness of their culture, ethos and way of life when decisons were made in the resettlement of the Aetas.

Singapore

250. Resettlement of minorities in public housing estates has resulted in improved standards and conditions of living.

Slovenia

251. Concerning these questions, the members of national minorities are in the same position as other citizens of the Republic of Slovenia.

Spain

252. As there are no minority groups, no reply can be given to this question.

Venezuela

253. As to the indigenous communities, article 2(d) of the Agrarian Reform Act recognizes the indigenous population as a subject of agrarian reform with the right to be included in the economic, social and political development of the nation.

(xii) Do members of minority groups have unimpeded possibility of contact with related ethnic, cultural or linguistic groups in other States?

Belize

254. Yes, members of minority groups are allowed to contact related ethnic, cultural or linguistic groups in other States.

Croatia

255. Members of affiliated ethnic, cultural and language communities are guaranteed free communication across the Croatian borders. This freedom is now limited by the fact that the so-called Federal Republic of Yugoslavia has occupied Croatian territories bordering Serbia, and that the illegal Serbian authorities in Croatia hold and control most of the Croatian border with Bosnia and Herzegovina.

256. A particular problem poses contacts with the population trapped in the occupied areas of Croatia, especially those in the United Nations Protected Areas not only because of disrupted communication lines and blocked roads but also because such contacts are thwarted by the local authorities in Serbian-held areas

Ecuador

257. In Ecuador the national ethnic minorities are fully at liberty to establish, without any impediment, contacts with related ethnic, cultural or linguistic groups. As a result, there has been, since the 1980s, a process of

organization, at the local, provincial, regional and national levels, which has given rise to national action, unusual in previous decades, aimed at social, economic and political objectives.

258. The country's indigenous organizations maintain ties of support and solidarity with related organizations, especially at the level of Latin American countries.

Iraq

259. From the legal standpoint, there is nothing to prevent personal contacts. However, there is no mechanism for official contacts with minorities in other States. This situation may change in the light of future developments.

Italy

260. Since article 3 of the Constitution guarantees equal social rank to all citizens without distinction as to sex, race, language, political opinion or economic and social condition, it is obvious that Italy can in no way impede the freedom of minority groups to have contact with members of minority groups in other countries.

Macedonia

261. As all other citizens, they can leave the country and return without any restrictions and, if they wish, can maintain contacts with and in ethnically-related States. The Government, as a matter of policy, endeavours to strengthen relations with such States with a view to facilitating the preservation of the identities of the minority groups on its territory. Such contacts and cooperation have been operative for some time, especially with Albania and Turkey.

Malawi

262. Yes. The Malawi Government does not impede any minority group from contacting related groups in other States.

Philippines

263. Communication among related Philippine ethnic, cultural or linguistic groups in other States is unrestricted, the only limitations being those applicable to all Filipinos as provided in the Constitution. Section 3(1) of the Bill of Rights (Art. III) provides that "The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law."

264. Among the Filipino-Chinese, in reality, despite their linguistic groupings, they are found to be members of the same organizations, especially trade and commercial organizations. Ethno-linguistic minorities among Muslims also freely mingle with one another and may even be found to be together in many Islamic organizatons.

Singapore

265. Yes.

Slovenia

266. The Constitution of the Republic of Slovenia guarantees to the Italian and Hungarian ethnic communities the right to foster contacts with the wider Italian and Hungarian communities and obliges the State to provide them both with material and moral assistance in these endeavours. The contacts with the wider Italian and Hungarian communities are fostered at various levels, in the form of guest appearances of cultural and artistic groups on both sides of the border, through the assistance of mentors for cultural activities, assistance in training of teachers, provision of scholarships, and direct material assistance to minority organizations and institutions. The Republic of Slovenia and the Republic of Hungary have recently signed a special Agreement on the Protection of the Hungarian Minority in Slovenia and of the Slovenian Minority in Hungary. The Republic of Slovenia has assumed all obligations arising from international treaties with Italy, including those referring to the position of the Italian ethnic community in Slovenia.

267. Members of other ethnic groups also have the possibility to foster contacts with their native nation and international organizations.

Spain

268. Since there are no minority groups, there is no answer to this question.

269. The most representative Spanish Gypsy associations take part in European and international activities in support of the development of the Gypsy community launched under various initiatives in the framework of the European Community, the Council of Europe and the United Nations. They also cooperate in the preparation of studies and investigation and take part in the holding of congresses on all topics, particularly those related to intercultural education, itinerant sales, etc.

Venezuela

270. The minority groups of all kinds which exist in Venezuela enjoy full freedom to establish contacts with any national or international entity.

(xiii) What steps have been taken, and what obstacles have been encountered in ensuring that recent immigrant groups (as understood in this study, see introduction) are not subjected to racial discrimination and that they are ensured equality in the enjoyment of human rights and fundamental freedoms?

Belize

271. Recent legislation passed by the Belizean Government coupled with the ongoing work of the Belizean Human Rights Commission has combined their

resources and efforts to combat racial discrimination against violation of the human rights and fundamental freedoms of recent immigrant groups in Belize. Obstacles encountered in pursuing this objective include:

(i) The reluctance of recent migrants to make formal reports to the authorities for fear of being convicted and deported because of their illegal status;

(ii) Since the majority are illegal aliens, acquiring work permits poses problems, which leads usually to exploitative and unfair labour pratices among employers, especially in the agricultural sector;

(iii) A relatively small staff of personnel working in the Immigration Department, which is not able to cope with the sheer volume of new migrants entering the country;

(iv) Owing to Belize's limited resources, it has not been able to police adequately its common borders with Mexico and Guatemala, the main corridors of entry for the most recent immigrants;

(v) Although new laws and regulations have been enacted, they need to be enforced.

Croatia

272. Establishment of the status and rights of "recent immigrants groups" (as described in the introduction) and assessment of effects of the Croatian legal system upon such groups will only be possible once the situation in Croatia has been stablilized. Croatia is the first country to have accepted and cared for refugees and displaced persons from the war-ravaged areas of Bosnia and Herzegovina, but also from other regions of the former Yugoslavia. Whereas huge numbers of citizens of Croatia, including minorities, were forced out of their homes in ethnic cleansing operations led by local authorities in Serbian-held areas, where the Croatian legal system was not given a chance to be administered while in the meantime population from other regions of the former Yugoslavia has been uncontrollably brought in and settled.

273. It will be possible to adopt an appropriate policy towards "recent immigrant groups" once the records of Croatian citizenship have been updated, when the displaced persons and refugees have been allowed and enabled to return to their homes in Croatia, Bosnia and Herzegovina and other regions currently of high risk, and when the Croatian legal system has been installed over its entire territory. What can be affirmed now is that Croatian legislation is not and will not be enforced in a discriminatory way against any immigrant group. It will base its regulations and legal mechanisms on the practical experience of countries of immigration.

Ecuador

274. Since recent immigrant flows have been slight, they create no problem for this country; the legislation does not discriminate against them.

Iraq

275. The above-mentioned provisions of Iraq's Constitution and law definitely guarantee non-discrimination among minorities, within the framework of Iraqi national unity.

Italy

276. Steps taken in favour of recent immigrant groups are contained in regional laws; there is therefore no question of racial discrimination.

Macedonia

277. As outlined earlier, in the Republic of Macedonia there are no recent immigrant groups.

Philippines

278. Recent immigrant groups such as the Vietnamese and the Cambodians are not subjected to "racial discrimination". They are in the Philippines as transients preparatory to their final resettlement in other countries. The Chinese cannot be considered as recent immigrants. They have relatively high standards of living and unique socio-economic customs which may be alienating to the other members of the Filipino community. However, there is no racial discrimination, either in policy or in practice, against them. There are, however, overstaying aliens who are subject to prosecution and possible deportation, especially those engaged in illegal activities (drug trafficking, gambling).

Singapore

279. Because of Singapore's size constraints, there is no sizeable recent immigrant group. Foreign workers are permitted to seek employment for a fixed duration, after which they return to their country of origin. During the period of stay in Singapore, they enjoy the protection of the law.

Slovenia

280. The Constitution of the Republic of Slovenia guarantees human rights and fundamental freedoms to all its people, including the equality of all citizens, the right to express their national identity, the right to use their language and the right to develop their culture. Any incitement to national, religious or other discrimination, as well as incitement to national, racial, religious or other hatred and intolerance, is contrary to constitutional provisions enacted in the legislation of the Republic of Slovenia.

281. The Republic of Slovenia has acceded to the conventions of the International Labour Organisation (ILO) signed by the former Socialist Federal Republic of Yugoslavia, including those referring to the position of migrant workers.

282. Analyses show that the social position of migrants from the former Yugoslav republics does not differ much from that of the majority nation as regards the standard of living. The only exception, however, are those groups of migrants coming to Slovenia from time to time as casual or seasonal labourers or for shorter periods. Their standard of living is lower than that of the majority population. Following the declaration of independence of the Repubic of Slovenia, this group of migrants has been reduced considerably.

Spain

283. In Spain the law prohibits any racial discrimination and guarantees immigrants the enjoyment of fundamental rights and freedoms. The right to vote and stand for election is accorded only to nationals except at the municipal levels, where it is also accorded to citizens of the countries of the European Community residing in Spain.

Venezuela

284. Recent immigrant groups who entered Venezuela legally enjoy the same fundamental freedoms as the rest of the Venezuelan population. The obstacles which have arisen derive from the illegal situation of members of those groups who have not become naturalized or have not registered. Equality in the enjoyment of human rights is ensured by the Venezuelan State when the latter has reliable information concerning their existence, size and group characteristics.

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Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Item 17 of the provisional agenda

PROTECTION OF MINORITIES

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

Final report submitted by Mr. Asbjørn Eide

Addendum 2

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Introduction

1. The present document contains the replies received from the Governments of Colombia, Jordan and Ukraine to the questionnaire on minorities transmitted to Governments, specialized agencies and non-governmental organizations.

2. The Government of Colombia submitted a third and more detailed reply integrating its previous replies which were reflected in the first and second progress reports.

3. Replies had also been received from the Consultative Council of Jewish Organizations, Human Rights Advocates, International Catholic Migration Commission and Movement against Racism and for the Friendship among Peoples.

I. REPLIES SUBMITTED BY GOVERNMENTS

COLOMBIA

[Original: Spanish]
[29 January 1993]

1. Rights of minorities and of groups

Colombia has not until now experienced large flows of immigrants from abroad, so that it has no national minority groups coming from other counties.

In Colombia there are over 80 indigenous ethnic groups, black communities located mostly on the Pacific coast as well as native communities living in the island territory of San Andrés y Providencia. In view of this ethnic diversity, the State has taken steps to preserve the various cultures. Pursuant to that general principle, the Constitution has enshrined the rights mentioned below in the general context of the principles of recognition and non-discrimination contained in articles 7 and 70 of that Constitution.

The Colombian State recognizes and protects the ethnic and cultural diversity of the Colombian nation (art. 7) and likewise recognizes the equality and dignity of all the cultures which coexist in the country (art. 70), as a means of protecting the rights of minorities and of groups.

Rights recognized

1. Communication

The general rule is the official language of Colombia is Spanish, although the Constitution recognizes the languages and dialects of the ethnic groups as official in their territories; this is very important in order to simplify the legal proceedings, petitions and administrative formalities initiated by indigenous persons for which, interpreters and translators are needed so that they can be understood.

In order to implement this right of communication, the Constitution prescribes that the teaching imparted to communities with their own linguistic traditions must be bilingual.

2. Cultural rights

Members of ethnic groups shall have the right to training that respects and develops their cultural identity. Thus, the education given to indigenous children must serve to strengthen their own culture and at the same time enable them to be acquainted with the other cultures existing in the nation. Article 70 strengthens this recognition by stating that culture in its different guises is the basis of nationality.

3. Nationality

Indigenous persons who live in frontier areas have been singled out in particular by article 96 of the Constitution which lays down: "The following

are nationals: ... (c) indigenous peoples who share frontier territories in conformity with the principle of reciprocity, according to international treaties".

This article is of great significance because it recognizes the various forms of indigenous life, many of which do not pay any regard to frontiers in social and economic activities, and it simplifies movement from one country to another without requiring special documents. The application of this principle requires an agreement with neighbouring countries by means of international treaties (art. 96 of the Constitution).

4. Freedom of conscience

The guaranteeing of freedom of conscience enables indigenous communities and ethnic groups to maintain their own system of beliefs without being compelled to adopt other religious practices different from their own.

At the same time, efforts are being made to prevent the traditional indigenous beliefs and rites which form part of the Colombian nationality from being forgotten and lost. Freedom of conscience is supplemented by the freedom of worship and acceptance of all religions as equal and free (arts. 18 and 19 of the Constitution).

5. Natural resources

All decisions relating to projects for the exploitation of natural resources in indigenous territories shall be made with the participation of representatives of the respective communities in order to avoid impairing the cultural, social and economic integrity of the indigenous peoples.

Accordingly, if such projects cause harm to the economic, social and cultural life of the communities they may request that the projects should be suspended or modified (art. 330 of the Constitution). The functions of the indigenous councils in the administration of the territorial entities (ETI) shall include that of monitoring the conservation of the natural resources existing on the territories.

6. Right to property

The protection of the indigenous territories at the legislative level was raised to constitutional status with article 329 the Constitution which lays down that Indian community land constitutes collective and inalienable property vested in the community and cannot be sold, seized or forfeited with the passage of time.

The communal lands of the indigenous groups have been established and the property of the black communities has been recognized over their ancestral possessions (transitional arts. 63 and 65); this means that henceforth the black communities and the indigenous peoples may have community title deeds to their lands.

7. Right to autonomy

The possibility of establishing indigenous territorial entities (entidades territoriales indígenas (ETI) has broadened the autonomy of the indigenous communities and the road is now clear for self-government since those entities will be endowed with specific functions, with their own resources and with transfers from the State (arts. 286 and 287 of the Constitution). All the foregoing will be the subject of legislation pursuant to the appropriate constitutional provisions. The ETIs will be governed by councils designated by the community in accordance with its customs and shall have functions relating to lands, population, development planning, public investment, natural resources, public order, etc.

8. Right to their own jurisdiction

The new Constitution specifies that any conflicts arising and any offences or misdemeanours committed by indigenous persons within their territory are to be tried and punished by their own authorities in accordance with the customs they observe; this is specified by article 246 of the Constitution which establishes that the authorities of the indigenous localities may exercise judicial functions in their territory; for this purpose, the Special Indigenous Jurisdiction has been established. The law shall specify the form that coordination will take between that special jurisdiction and the national judicial system.

9. Right to political representation

The indigenous population has the right to a minimum of two seats in the Senate of the Republic, on the basis of the special indigenous constituency (art. 171 of the Constitution). At the same time, a special constituency has been set up to ensure the allocation of up to five seats in the House of Representatives to ethnic groups, political minorities and Colombians resident abroad.

10. Right to receive financial resources

The Congress shall establish the Indian community land, which shall be considered as municipalities for the purposes of transfers of resources from the State.

When established, the Indigenous Territorial Entities, shall have various sources of financing; article 287 accordingly specifies that, by virtue of their autonomy, the territorial entities shall be entitled, inter alia, to administer resources and to levy the necessary taxes to perform their functions. In addition, article 330, paragraph 4, specifies that one of the functions of the indigenous councils is that of collecting and distributing resources.

2. Conditions for acquiring nationality

In conformity with article 25 of the International Covenant on Civil and Political Rights, articles 40, 98 and 99 of the Constitution contain

provisions on nationality, which is defined as the status that enables persons to take part in the political life of the country through existing democratic machinery.

Article 98 lays down that nationality rights are exercised from the age of 18 years. On reaching this age, Colombians have the right to participate in the shaping, exercise and control of political power (art. 40), in the exercise of which they may elect and be elected, form political movements, revoke the mandate of those who have been elected, initiate legislation, bring suits in defence of their rights and those of democratic institutions and perform political duties which involve the exercise of authority or jurisdiction (art. 98).

Nationality is established by means of citizenship papers which are issued free of charge by a routine process whereby the person concerned must submit a copy of his birth certificate, as a means of verifying his age, produce recent photographs and be fingerprinted.

3. Rights and legal status of settled non-citizens (persons with the right of permanent residence or the right of residence for an indefinite period) and in particular their political rights such as the right to vote, the right to set up political parties and to join such parties, economic and social rights and the right to return to their country of residence after working abroad

The following are the constitutional provisions which refer to the rights of aliens on Colombian territory, and deal with residents and other situations of temporary sojourn.

> "Article 100. Aliens shall enjoy in Colombia the same civil rights as those granted to Colombians. Nevertheless, the law may, on grounds of public order, make certain civil rights subject to special conditions for aliens, or deny them altogether.
>
> Similarly, aliens shall enjoy in the territory of the Republic, the guarantees granted to nationals, except for the limitations established by the Constitution or the law.
>
> Political rights shall be reserved for nationals, but the law may grant to aliens resident in Colombia the right to vote in elections and popular consultations of a municipal or local character."

For aliens resident in Colombia, the Constitution envisages the possibility that the law may grant them the right to vote for local government elections, which are closely connected with the daily concerns of the population.

For reasons of sovereignty and equity, aliens may not be entitled to exercise political rights of major importance or significance, especially on issues that shape the destiny of the Colombian nation.

An alien expelled from Colombian territory may file the following remedies through the governmental channels:

(a) An application for reversal or amendment to the same official who took the decision;

(b) An appeal to the immediate administrative superior of the officer who took the decision, for the same purposes;

(c) A complaint; this remedy is filed when the appeal is rejected.

The right of movement which is recognized to Colombian nationals, as well as other more important freedoms, is extended to aliens who are legally on our territory.

JORDAN

[Original: Arabic]
[5 May 1993]

(i) The numerous minorities living in Jordan include, in particular, Circassians, Kurds, Armenians, Pakistanis, Afghans and Turkomans, all of whom have been integrated in Jordanian society and have acquired Jordanian citizenship. They enjoy all the rights of Jordanian citizens and some of them have occupied the highest posts, including that of Prime Minister, and have been appointed to head numerous ministries and government departments. Jordan is possibly one of the few countries in which minorities enjoy their full rights on an equal footing with other citizens. Moreover, these mincrities are settled and have become part of Jordanian society. Some of them have retained their particularities, expressed through the formation of cultural, sports and social leagues, clubs and associations which constitute one aspect of the balanced Jordanian national fabric that reflects Jordan's radiant contemporary image.

(ii) There is no discrimination between these minorities and other social groups. The State institutions are open to them all, without exception.

(iii) There is no discrimination whatsoever.

(iv) No restrictions are placed on the right of minorities to establish their own clubs, institutions and associations to preserve their particularity.

(v) These minorities have the right to be taught in their own language in their institutions and associations.

(vi) The minorities participate freely in the social planning and development process, including the aspect that concerns them, and benefit from overall development policies since they are regarded as an integral part of Jordanian society. Like all other sections of society, they benefit from the outcome of planning and development activities and the social progress and prosperity that results therefrom in all fields.

(vii) Most of the minorities enjoy a high standard of living and their mortality rates are no higher than the general average in the Kingdom.

(viii) Jordanian law carefully safeguards their right to participate in the legislative authority through the allocation of a specific number of parliamentary seats in order to secure their right to representation without competition and to an extent commensurate with their numbers in relation to the total population.

(ix) Being integrated in Jordanian society, the minorities benefit from all the reform and development programmes formulated for citizens.

(x) The minorities in Jordan do not live in isolation. As already indicated, they have been integrated in Jordanian society and, in their daily lives, are in constant contact with other social groups in spite of their retention of their own customs and traditions. In fact, their particularities have become part of the Jordanian heritage in which all social groups are represented. During national celebrations, the folklore of minorities is presented as one of the manifold aspects of Jordanian folklore.

(xi) In short, all inhabitants of the Kingdom, including the minorities, enjoy their full human rights and none of its domestic laws, regulations, customs and traditions in any way prevent minorities from enjoying the same rights as other Jordanian citizens.

Note: The difference between settled resident minorities and transient minorities is that the first category enjoys citizenship whereas the second category is treated as alien in accordance with international law while nevertheless enjoying the right to reside and work in the Kingdom in accordance with the law and the principle of reciprocity.

UKRAINE

[Original: Russian]
[28 April 1993]

(i) There are representatives of 110 nationalities living in the territory of Ukraine. According to census data (1989), the most numerous are Ukrainians (72.7%), Russians (22.1%), Jews (0.9%), Belarusians (0.9%), Moldovans (0.6%), Bulgarians (0.5%), Poles (0.4%), Hungarians (0.3%), Romanians (0.3%), Greeks (0.2%) and Tatars (0.2%).

(ii) An Act concerning national minorities in Ukraine was passed on 25 June 1992.

The national minorities include groups of citizens of Ukraine who are not Ukrainians by nationality and who manifest a sense of national identity and common values.

The State guarantees all national minorities the rights to national cultural autonomy: use of their mother tongue, study of their mother tongue in State educational institutions or through national cultural societies, development of national cultural traditions, use of national symbols, profession of their own religion, satisfaction of their needs in regards to

literature, art and the media, creation of national cultural and educational institutions and any other activity which does not contravene the legislation in force.

Citizens of Ukraine who are members of national minorities have the right to be elected or appointed, as the case may be, on an equal footing to any position in the organs of legislative, executive or judicial power, local or regional government, in the army, in enterprises and in institutions or organizations.

There is a standing commission on ethnic relations in the Verkhovna Rada (Supreme Council).

The Committee on Nationalities under the Cabinet of Ministers of Ukraine is the central organ of State executive power concerned with relations between nationalities.

A council of representatives of public associations of national minorities of Ukraine acts as a consultative body within the Ministry.

Special allocations are made in the State budget for the development of the national minorities.

(iii) In Ukraine there are no national territorial formations. Ukraine includes the Republic of Crimea. This is an autonomous territorial, but not national, formation.

(iv) Two types of national cultural and educational institutions may be distinguished: those established by the State and those set up by the national minorities themselves.

In State schools there are classes providing tuition in the languages of the national minorities; in places where they are most heavily concentrated, these are whole schools.

Books, newspapers and magazines are published in the languages of the national minorities. Ukraine has about 200 public national cultural organizations.

There are theatres which hold performances in the languages of the national minorities: Russian drama theatres, in Kiev and other cities, a Hebrew studio in Kiev and a Tatar drama theatre in Simferopol.

(v) The freedom and possibility to receive education partly in one's own language is provided for in the Act concerning national minorities in Ukraine and guaranteed by the State.

Since the 1990/91 school year the trend has been for more pupils to study in Ukrainian and fewer in Russian. This is connected with the fact that conditions have been created for the renascence of national self-awareness and national culture, and that Ukrainian has acquired the status of State language. The rights of the Russian minority, however, are not infringed. In addition to these two languages, instruction is provided

in schools and classes using other national languages. The Republic has 219 schools teaching in Moldovan, Romanian, Hungarian and Polish. Hebrew, Slovak, Czech, Romany and Turkish have recently begun to be studied for the first time in Ukraine. About 1,000 optional study groups have been formed in which some 16,500 pupils learn Bulgarian, Gagauz, Crimean Tatar, modern Greek, Polish and Hungarian. A primary school has opened in Kiev with Hebrew as language of instruction. A Hebrew faculty has opened in the Kiev Pedagogical University and a Jewish actors workshop has been set up in the Theatrical Institute. An international Solomon University has opened in Kiev.

(vi) The national minorities can influence development policies only in accordance with the general principles of popular representation, as indicated in the reply to question (ii).

(vii) There are no disparities in standards of living between representatives of the country's main nationality and the national minorities.

The second part of question (vii) and questions (viii), (ix), (x) and (xi) are not relevant to Ukraine.

(xii) The Act on national minorities in Ukraine embodies the right of citizens of Ukraine who are members of national minorities or national social associations freely to establish and maintain contacts with persons of their nationality or social associations outside Ukraine, receive assistance from them to meet their linguistic, cultural and spiritual needs and take part in the activities of non-governmental organizations.

(xiii) Any form of direct or indirect restriction of citizens' rights and freedoms on account of nationality is forbidden and punishable by law.

II. REPLIES FROM NON-GOVERNMENTAL ORGANIZATIONS

CONSULTATIVE COUNCIL OF JEWISH ORGANIZATIONS

[Original: French]
[21 December 1992]

The Consultative Council of Jewish Organizations (CCJO) attached to its reply a resolution adopted by the Comité Central de l'Alliance Israélite Universelle, a French association which is an integral part of CCJO. The relevant parts of the reply and resolution are reproduced below.

> "... the CCJO advocates the establishment of an international criminal court, entrusted with trying individuals alleged to be guilty of crimes against humanity, war crimes or crimes against peace.
>
> Founded following the Second World War and endeavouring to understand after so many years the consequences of the genocide of the European Jews, CCJO attaches the greatest importance to the establishment of a mechanism which would cause even dictators to hesitate, since they would thus have to answer for their deeds before international justice ... ."

Resolution adopted by the Comité Central de l'Alliance Israélite Universelle on 15 December 1992

"The Alliance Israélite Universelle,

... Aware of the problem raised by the existence of cultural, linguistic, national or religious minorities in most countries of Europe and in particular central and eastern Europe,

Also aware of the low level of the international resources which are brought into play to ensure their protection and free development,

Suggests that, in an appropriate international framework, the community of nations should develop ways and means of ensuring harmonious relations between States and national minorities, through mediation and arbitration,

In that regard, the Alliance Israélite Universelle welcomes hopefully the Franco-German project for establishing, within the Conference on Security and Cooperation in Europe, a forum capable of forestalling conflicts and, if necessary, of arbitrating them."

HUMAN RIGHTS ADVOCATES

[Original: English]
[27 March 1993]

The major part of the reply of Human Rights Advocates was focused on the analysis of the second progress report submitted by the Special Rapporteur.* In addition, Human Rights Advocates stated:

"New approach to self-determination claims of minorities or peoples

The international community must consider self-determination claims with a new approach and shy away from alarmist opinions such as: self-determination threatens the new world order; or what if all 5,000 or so ethnic groups in the world claim self-determination? It is clear that the international community can no longer keep the lid on self-determination movements and hope the problem will disappear. The example of the Soviet Union shows that painfully. On the contrary, a survey of existing nationalities-conflicts around the world and in particular in the ex-Soviet Union confirms that self-determination movements will proliferate. While it is true that the creation of new States is usually associated with high costs, the denial of self-determination may be associated with even higher costs.

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* The complete text of this and other replies are kept in the files of the Secretariat and can be made available upon request.

The present approach of the international community to self-determination claims suffers from the following deficiencies, among others: (1) international law is viewed as the guardian of global status quo; (2) the international community's response is always late; (3) the international community responds grudgingly; (4) the international community's approach is Eurocentric; (5) the few rigid standards promulgated are applied inconsistently; (6) there are no enforcement mechanisms to guarantee those standards; (7) self-determination claims are addressed only after a central government collapses and conflict is already under way; and (8) the ultimate objective of self-determination claims, that is to respond to the will of the people, is often lost to the international community. The international community is then left with a fait accompli and with little influence if any. However, if the international community engages in an earlier dialogue with a self-determination movement then opportunities will improve to influence the direction of that movement constructively to achieve a peaceful solution.

As a first step to adopting a new approach to self-determination, the international community could adopt a broader and less alarmist view of self-determination. It must be borne in mind that self-determination claims need not result in the outcome predicted by those who would discredit the principle - independent States for every single national minority in the world, that is more than 5,000. Rather, self-determination can lead to a number of outcomes, ranging from equal rights, to minority rights protection, to various degrees of autonomy, border changes and secession.

As a second step, the determination of which group is entitled to self-determination should not be based on a single criterion of "people"; all subjective and objective factors must be taken into consideration. Historical factors must be considered seriously. The dominant group's and ruling government's conduct must be weighed. The conduct of the movement claiming self-determination is also an important factor. The potential for violent consequences when self-determination is denied or granted should be considered as well.

As a third step, a new approach to enforcing minority rights protection is needed. The enforcement of minority rights must be taken more seriously. States should be convinced that the protection of minority rights, for that matter human rights in general, as well as the promotion of democratic governance is in their best interest and protects their own sovereignty and territorial integrity in the long run. However, if States fail, then the international community must be prepared to support self-determination for the threatened minority. The international human rights community can assume an important role in this area.

When all else fails and conflict does emerge from a self-determination movement, the international community is left with a need to prevent the consequent horrific violence, oppressive dictatorships, humanitarian crises and large-scale war. To accomplish this, the collective use of military force by the international community may become necessary. However, other means need to be considered prior to the use of force. Monitoring human rights developments and early warning is crucial to the prevention of conflict. In this area, non-governmental organizations have an essential role to assume. Diplomatic intervention may be the next step before the use of force. The

International Court of Justice may become an important institution for the prevention of conflicts. The international legitimacy of a State violating its obligations regarding a minority may be challenged. Collective economic sanctions may also be considered. Finally, when all else fails, collective military intervention becomes a necessity. Military intervention may have several objectives, including peace-keeping, delivery of humanitarian aid, advancement of self-determination, defense of an emerging State, finally, but not least, defence of a representative central government threatened by chaos.

The international community may have to revise some of its procedures and create new forums to address self-determination claims. Can the Trusteeship Council be revived, revised and given a new mandate to address self-determination claims? Can the International Court of Justice or a chamber thereof sort out the legal principles which govern a particular claim for self-determination? Can a working group of the Commission on Human Rights contribute to the peaceful management of self-determination quests? How can the international community enforce some of its decisions regarding self-determination? Enforcement capabilities and collective military readiness need to be addressed. These and other questions should be addressed urgently by the international community, and in particular the international human rights community ...".

INTERNATIONAL CATHOLIC MIGRATION COMMISSION

[Original: French]
[29 January 1993]

"AFRICA

Djibouti

In Djibouti, there are several minority groups such as the Afars, the Arabs, the Gadabursi Somalis, the Issaq Somalis and the Ethiopians, whereas the Issa Somalis are the dominant group.

The legal and political institutions of the country regard the Afars as a national group whereas the Arabs, the Gadabursi Somalis and the Issaq Somalis are regarded as nationals only if they are holders of national identity cards. Otherwise, they are recognized as a separate minority, like the Ethiopians. In Djibouti, the Issaq Somalis occupy all the key positions, in the civil service, the army and the police.

There is no specific procedure for the recognition of the national minorities or groups. On the contrary, it is politically and legally vague and undefined. The Arab minority group is the only one that has any cultural institutions or institutions of learning which meet its needs.

Officially, within the framework of national education, the linguistic minorities have no education in their own language. There are, however, small private schools where pupils are taught to read and write in Afar, Somali and Amharic.

The established foreign minorities and the groups of recent immigrants do not take part in political life. Their average economic level, life expectancy, infant mortality rate and standard of living are close to the national averages and in the case of certain minorities, like the Arab minority, sometimes far exceed the national average (they are often rich traders).

The disadvantaged minority groups have sometimes enjoyed preferential measures such as emergency food aid and legal protection. The problem of agrarian reform does not arise in Djibouti, since the agriculture of the country is in an embryonic stage.

The members of minority groups may freely maintain relations with other ethnic, cultural or linguistic groups.

The groups of recent immigrants enjoy the protection of Office of the United Nations High Commissioner for Refugees when they are holders of a refugee card, and may reside in the country until they find another host country. Many refugees or asylum-seekers find a job (although they do not have the right to work), but they are underpaid and cannot enjoy the protection of the labour legislation.

LATIN AMERICA

Argentina

The following minority groups are found in Argentina: Laos (300 families settled throughout the country), who are poorly integrated mainly on account of the language; recent refugees of different nationalities and religions; gypsies (200,000); and groups of immigrants, often recent ones, such as Peruvians, Paraguayans, Bolivians, Brazilians, Uruguayans and Chileans.

These groups are not recognized by the legal and political institutions of the country. They are simply regarded as groups of migrants who, as they advance economically, integrate into the national community. As for the refugees, in addition to the lack of jobs and the language problem, it is difficult for them to obtain a residence permit, since they are regarded as immigrants and demands are made upon them which prolong the administrative proceedings for two to three years.

The majority of the refugees manage to run or set up cultural institutions by themselves. The Laos have some kind of internal organization. The gypsies are on the whole integrated into the national community and their ways and customs are respected. The immigrants frequent their own, or other, clubs, which enable them to protect and preserve their identity.

The problem facing the minorities in Argentina is not one of the lack of integration or of racial discrimination, but rather of marginalization through the lack of work and economic resources.

Although the linguistic minorities, as a rule, speak their language of origin among themselves, often they do not feel the need to teach it to their children. The Bolivians are frequently ashamed of teaching their children Quechua or Aymara.

In Argentina, the minority groups cannot take part in the life of the country. Economically, the minorities often belong to the lowest or the marginal classes, not through discrimination, but because they do not succeed in gaining access to the labour market. Many refugees work as itinerant vendors; the immigrants take the jobs that the local population does not want. No preferential measures are adopted by the Government on behalf of the underprivileged minority groups.

The Argentine Catholic Migration Commission continues to make strong representation to the National Population and Migration Department to grant the refugees the treatment to which they are entitled. The moment the refugee ceases to receive aid from UNHCR he should have a document issued by the Argentine authorities in order to be able to enter the labour market. But the administrative proceedings are very long and discourage some of the refugees who then leave for other countries.

Ecuador

One of the minority groups comprises Colombians who have settled in some parts of the country, others are made up of the indigenous nations (Shuaras, Saraguros, Huaoranis, Awas and Tsachillas) whose greatest problem remains the land boundaries. The Colombians are recognized as a minority group, under the terms of a bi-national treaty. As far as the indigenous nations are concerned, they have still to be recognized by the national Government.

Despite the fact that they have no political representatives in the country's institutions, the indigenous minorities do manage, through their own organizations, to bring their concerns to the attention of the government authorities. Mobilizations and demonstrations have been organized on several occasions and have sometimes yielded positive results. However, the foreign minority groups have no representatives to the authorities.

Whilst the economic level of the minorities is usually lower than that of the nationals, their infant mortality rate is higher.

The Ecuadorian Church has succeeded, with the assistance of other organizations, in promoting land purchases on behalf of the indigenous peoples, and in providing legal aid to the people who are in the country illegally.

ASIA

Hong Kong

There are really no established minorities in Hong Kong, but rather small groups of wealthy Indian or Pakistani businessmen, who are fluent in Cantonese

and English and who have complete freedom to practise their religion and culture. Some 99 per cent of the population is ethnic Chinese, of different origins.

However, in Hong Kong, there are workers who come from various Asian countries, including the Philippines, Thailand, India and Sri Lanka, and who are recruited as domestics for rather low wages (but which are considered high by comparison with the wages in their own countries).

The population of immigrant workers in Hong Kong increased from 28,000 in 1984 to 83,200 in 1992. These workers do not know their rights. What is more, the current labour laws as well as their application by the Hong Kong Government cannot afford adequate protection for the immigrant workers, who are exploited by irresponsible employers.

The social services, aid and meeting places which are at the disposal of immigrant workers are insufficient.

India

The concept of minority is used in India to refer to three distinct groups: (1) Indian citizens recognized by the Constitution as minority groups because of their language, religion or membership of a particular ethnic group; (2) persons or groups recognized as refugees by the Government of India; (3) foreign immigrants who are not recognized as refugees, but who can apply for naturalization after a certain time.

The first group is recognized as a minority by the legal and political institutions of the country. The second is a group for which the Government provides welfare measures. Since the third group is made up of illegal immigrants, it is not granted the status of a minority.

All the minority groups in India have the right and the opportunity to establish or to maintain their own educational institutions. Moreover, the opportunity to receive a part of their education in their own language is provided by the central Government and the states of India. Only the Indians who belong to the national minorities may have the benefit of development policies.

The living standard of the minority groups cannot be lower than that of the poor in India, but as a rule they are not under-privileged. In fact, they enjoy more privileges than the average citizen in India. The refugee groups are entitled to better economic security, medical care, education and other services than the poor who live outside the refugee camps.

The Indian minority groups are entitled to representation in the national and state legislatures. The tribal minorities have been able to benefit from the laws which prohibit the purchase of land by persons who are not members of the tribe. The recognized refugees, like the Tibetans and the Indians repatriated from Sri Lanka, have benefited from resettlement programmes.

The members of the minority groups may freely maintain relations with any other ethnic or linguistic group.

Philippines

The indigenous cultural communities account for about 12 to 16 per cent of the total population. The main ones are the Moro, the Igorot, the Carballo mountain people, the Negritos and Agtas, the Mangyan tribes and the Lumads. The Chinese comprise about 25 per cent of the Filipino population, not including the few Indians and new immigrant groups.

These minorities are officially recognized and assisted by the Government and the non-governmental organizations. Various offices are legally appointed to preserve and develop the traditions and institutions of the cultural minorities, and to promote their general well-being in accordance with national unity and development.

Two regions of the country, where the minorities are numerically dominant, have been politically designated as autonomous regions (the Cordillera Autonomous Region and the Autonomous Region of Muslim Mindanao). The minorities all have leaders who are politically, socially, religiously and culturally active. In most of the primary and secondary schools, teaching is in the dialect of the region. The minority groups are free to participate in all aspects of community life.

However, despite the Government's measures and the programmes, the indigenous peoples of the Philippines endure such problems as colonialism, oppression and discrimination by the Government; non-recognition of their ancestral land rights; expropriation of their lands; failure of the Government to provide them with the basic social services; poor political representation and cultural exploitation.

The economic and social development of the tribal communities is far behind that of the national community. The opportunities available for the tribal communities to receive an education are generally limited to the level of the primary school, on account of the lack of infrastructure and staff in the tribal areas. On the other hand, the situation of the Chinese, Indian and other immigrant groups is positively different.

Taiwan

The indigenous peoples, composed of 13 different tribes, represent the minority group of the island, and are recognized as a national group. Their lands are protected (they may not be bought by non-indigenous peoples), and they enjoy a special status of protection. Furthermore, they have the same rights as the other citizens when they migrate to other parts of the island.

The indigenous peoples are free to organize themselves as they wish. Schooling very recently became bilingual (Chinese and tribal languages). This minority group has elected representatives at all the levels of the Government.

Their standard of living is below the national standard, but this is due above all to the difference in cultural values (they have no interest in trade or business and make no provision for the future). Whereas their life

expectancy is the same as the national average, their infant mortality rate is higher. The members of the minority groups may freely maintain relations with other ethnic, cultural or linguistic groups.

The foreign workers, in so far as they are immigrants, are allowed to remain for two- to three-year contracts; they are included in the labour legislation and enjoy the same social benefits as the other workers. The migrant workers or those without papers are basically protected by the laws, but they are exploited by groups or individuals, since they cannot ask for legal protection without being sent back to their countries of origin.

EUROPE

Malta

The minorities in Malta are mainly classified according to language: English, Italians, Germans, French, Arabs. The Greek-speaking and Jewish communities have virtually disappeared. As for the refugees, most of them are Iraqis, of whom 90 per cent are Chaldeans.

The minorities are well accepted and are free to organize their own associations, cultural clubs, and schools. The refugees may not work but they are entitled to hospitalization and to free education.

The economic circumstances of the minorities, except those of the refugees, are usually fairly good. The life expectancy and the infant mortality rate are close to the national averages.

The minority groups are not directly represented in the national legislative bodies. They are, moreover, completely free to maintain relations with other ethnic, cultural or linguistic groups.

OCEANIA

Australia

In Australia, there are groups of recent immigrants, such as the Cambodians and the Chinese "boat people" (500), as well as illegal immigrants (around 80,000).

All immigrants enjoy a right of permanent residence and are considered as being a part of the national community. Besides, the minority groups are free to run or have institutions at their disposal. The immigrants are the hardest hit by the current recession and have the highest unemployment rate. They also have a lower than average standard of living, but through their adaptability and their industriousness, they are gradually succeeding in improving that standard.

As citizens and permanent residents, all immigrants may be elected to the Federal and state Parliaments. The legislation in Australia prohibits racial discrimination and lays down penalties for any infringement of these laws."

MOVEMENT AGAINST RACISM AND FOR FRIENDSHIP AMONG PEOPLES

[Original: French]
[18 January 1993]

"(i) France, like all the industrialized countries (Western Europe, North America, South-East Asia and the Persian Gulf, Japan, Australia), has immigrant populations that have made and are still making a substantial contribution to these countries' wealth.

In general these populations are composed of numerous elements, taking the form of differentiated strata (cf. the recent wave of Latin American and Korean immigrants and South-East Asian refugees in the United States).

Immigration in France is a long-standing feature (ca. 1850), linked to the beginnings of industrialization. At first, it involved Europeans (Belgians, Germans, then Italians and Poles) and was concentrated in the heavy industry areas in the northern and eastern part of the country. Then came the "colonials" between the two World Wars and after 1945: essentially from North Africa. The Portuguese, who are currently the largest immigrant group, came in the 1960s and 1970s. More recently, workers have been coming from the former African colonies.

France's image of a republic has also brought foreign political refugees fleeing large-scale massacres or civil wars: Armenians, Jews from Central and Eastern Europe, Spanish Republicans and, more recently, Vietnamese boat people.

West Indians and people from Reunion are a major immigrant group in metropolitan France (well-represented in the public services); they have had French nationality since 1945, but this does not mean that they are guaranteed against racism. For a good 10 years now, new immigrants have been making their appearance: Turks, Sri Lankans. Many, but not all, were or are political asylum-seekers.

Despite all the administrative obstacles to its implementation, the legislation on family reunification has enabled a relatively large number of these workers to live with their families and thus maintain their specific cultural physiognomy. Racist agitators frequently make use of this aspect.

(ii) France is a classic example of a nation-State. For the past century, nearly all the historically established linguistic minorities (Basques, Bretons, etc.) have been the target of a policy of assimilation, in particular through the schools. This policy has been effective; for 30 years, it has been the subject of a historical and political debate, since many persons regard this policy of assimilation into the Republic as an attempt to destroy regional identities and cultures. These debates inevitably intrude into the debates on racism and into the anti-racist movement itself.

For the last generation, efforts have been made both by associations and by lawmakers to strengthen regional languages and cultures. They have not had convincing results.

There are two exceptions, Alsace and Lorraine (Mosellane) and Corsica. The inhabitants of Alsace and the Moselle have preserved their cultural and linguistic identity, on the one hand, because this region's tragic history created strong bonds among its inhabitants and, on the other, because the Germanic dialects spoken there are based on the language of a great culture and on daily contacts with neighbouring Switzerland and Germany.

The case of Corsica, where demands for recognition of its identity are based on deeply rooted popular traditions and on the recent nature of the annexation (the Buonaparte family supported Paoli at first), together with underdevelopment and, of course, insularity, is also quite particular; Corsican is commonly spoken in daily life. A Corsican university was recently established, but it is too soon to see what its effects will be. There have also been efforts to create a Corsican-language theatre.

The same is true of Creole as spoken in the West Indies and Reunion; attempts to give it literary status are recent (despite the example of Haiti). For a long time, there were not even any dictionaries. Moreover, West Indian literary expression is so rich and fertile in French - even when influenced by Creole - that it is not certain that Creole literature will ever achieve genuine autonomous status.

As far as the established immigrant groups are concerned, the assimilative powers of the French language and lifestyle were so great and so strong that the cultural heritage of the parents became lost with the second generation; the third generation hardly knew that it came from anywhere else. Children and grandchildren of Italian or Spanish immigrants have been known to make xenophobic and even racist remarks and to act "more French than the French".

Among more recent immigrants, we note that, although the attraction of language and lifestyle has remained just as strong, the marginalization of the second and third generations is much more marked than in the past. Allowance should be made for the fact that the economic and social crisis in France has very strongly accentuated existing tendencies towards marginalization. These children and grandchildren of foreigners, many of whom have French nationality, thus feel very "foreign" with respect to the French, who have not met their expectations. In this connection, linguists might be interested in the fact that a "beur accent" (i.e. the accent of the children of North African immigrants) has formed in French pronunciation; although it is not an accent like any other, it has managed to impose itself as objectively meaningful.

The debate or at least discussion referred to above (reply to question (ii), p. 2) necessarily reappears here, if we look at the role of the French Government in the maintenance or decline of immigrant groups' languages and cultures. It is true that, for some of these groups - such as the Poles in the Nord-Pas de Calais region - there has not only been no lack of specific cultural institutions, but they were even looked on with great benevolence for a very long time, not without political and social ulterior motives. In his book, "Les banlieues de l'Islam", sociologist Gilles Kepel suggests a somewhat similar theory with regard to certain Muslim cultural institutions financed by Saudi Arabia.

In any event, there is an undeniable objective problem: what can be done to preserve identity when one is immersed in French life through work and daily routine?

(iii) In addition to specifically linguistic and cultural measures, some political personality has been granted, in the framework of the French Republic, not only to the overseas departments (DOM), but also to Corsica, and, in academic matters, to Alsace and Moselle (maintenance of the agreement in existence before the 1918 reunification).

The question of local autonomy has been hotly debated for years and laws on decentralization and regionalization have entered into force; nevertheless, France, quite unlike Germany and Italy, is still basically the centralized and centralizing country that history has produced.

(iv) Minority groups benefit from a number of legal provisions relating to the teaching of "minority languages" and "languages of origin" (migrants). The opportunities actually offered, however, are restricted. A number of high schools offer the vernacular languages as electives in addition to regular subjects. As far as the languages of origin are concerned, agreements with Portugal, Algeria, etc., have made it possible to hire primary school teachers trained in those countries. This practice had some success for a time, but it is still applied on a very limited basis; it is also being highly criticized for both political and educational reasons.

The laws in force in France allow subsidized private schools. A number of Jewish schools, which often have a fundamentalist approach, have thus been opened and teach Hebrew.

Muslim (North African, Turkish) cultural and religious institutions make efforts to teach Koranic Arabic and, in some cases, the Turkish language. Some very bitter ideological and political rivalries are at stake in such endeavours.

(v) No. This can only be part of extra-curricular education. There are some "international sections" in a few public high schools with predominantly English or German student bodies; to my knowledge, there is no Portuguese or Arabic equivalent and this is not at all surprising, for such sections are intended for the children of diplomats, professors and administrators and not at all for the school population produced by immigration.

(vi) The point is that these groups do not have representatives. In a very small number of cities, on the initiative of left-wing mayors, elections have been organized among foreign residents to designate "associate councillors", who obviously have only an advisory role. Although such municipal councillors are of a very special kind, they nevertheless function, in principle, like all other councillors: they represent all of their constituents, not a particular group. France remains deeply hostile to a "community approach", and the Movement against Racism and for Friendship among Peoples, for its part, sees this as a danger.

The result of all this is that immigrants in the vast majority of municipalities have no right to take part in decision-making and are kept out of all institutions, including those that concern them the most, in particular those dealing with housing.

The ratification of the Maastricht Treaty makes the granting of the immigrants' demand for the vote in local elections both more urgent and less likely, since "Community" foreigners will now be full-fledged voters in these elections (including immigrant Portuguese workers and their families), while their neighbours, whose origin is probably less acceptable, will continue to be excluded from citizenship, and since a reform of the law on this point has been made much more difficult by the Treaty.

(vii) In economic terms, there are very great disparities between groups of different origins: African workers (concentrated mainly in the Paris region) are the poorest and live in what are usually disastrous conditions (cf. the problems of the homeless and the badly housed that have repeatedly been in the Paris news).

Because of their living conditions and because they are less strongly rejected, immigrant groups of European origin are similar to French people belonging to the same social group.

In demographic terms, researchers have found that the fertility rate among women of foreign origin living in France is getting to be the same as that of women born in France.

(viii) This is a strange question. Since the proportion of unskilled workers in these groups is obviously higher than the national average, they are harder hit by unemployment in traditional industrial sectors and even in the building and public works sector.

Obviously nothing prevents immigrants from seeking to improve their situation by their own efforts - and a small number of them manage to do so - but, considered as groups, they are almost completely lacking in means to improve their lot, and this explains the rebellious feelings among young people in particular.

In our view, questions (ix), (x), (xi) and (xii) are not applicable to France.

Question (xiii), however, would require a very complete reply, which might ultimately amount to providing a summary record of the work of the last MRAP congress.

Racism against migrant workers, particularly the most recent migrants, and against young people of the second generation, has constantly increased in France in the last 12 years.

Such racism cannot be evaluated only in terms of the electoral successes of the party of the far-right, the National Front, or the various types of racist violence, ranging from insults to crimes. It must also include the

insidious spread of "differentialist" racist theories among broad sectors of public opinion which refuse, moreover, to identify themselves with the far right.

The ideas of incompatible lifestyles, insurmountable differences between cultures and even the Islamic threat are now becoming widespread; leaders of the "civilized" right have not hesitated, given the current economic situation, to endorse them to a certain extent. The "South" as a threat is also a topic of discussion: its underdevelopment and galloping population growth make it doubly frightening.

France has antiracist (criminal) legislation that is exemplary in many respects, but the courts apply it only half-heartedly, when they cannot do otherwise. The Government Procurator's office is extremely reluctant to institute proceedings if the antiracist associations do not take the responsibility themselves.

In brief, the question of racism can be considered as one of the major contradictions in French social and political life; to give only one example, it is official French policy to achieve "integration", but, at the same time, this policy tends to keep immigrants in an underprivileged situation as long as possible. France, the country of human rights, is thus no more eager than the other industrialized countries (United States, Japan, United Arab Emirates, countries of the European Economic Community, etc.) to take the necessary steps to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, unanimously adopted by the United Nations General Assembly two years ago.